

TRADE ACT OF 1974

DECEMBER 19, 1974.—Ordered to be printed

Mr. ULLMAN, from the committee of conference, submitted
the following

CONFERENCE REPORT

[To accompany H.R. 10710]

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 10710) to promote the development of an open, nondiscriminatory, and fair world economic system, to stimulate the economic growth of the United States, and for other purposes, having met after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 21, 22, 34, 36, 66, 67, 135, 170, 180, 181, 201, 235, 251, 273, 292, 346, 348, 351, 397, 398, and 399.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 4, 6, 7, 8, 9, 11, 15, 16, 17, 19, 20, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 38, 39, 40, 41, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 81, 82, 83, 84, 85, 86, 87, 88, 89, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 136, 137, 138, 139, 140, 141, 142, 143, 144, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 160, 162, 163, 164, 165, 166, 167, 168, 169, 171, 173, 175, 176, 177, 178, 179, 182, 183, 184, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 200, 202, 203, 204, 205, 206, 208, 211, 212, 213, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 250, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 274, 275, 276, 277, 278, 279, 280, 282, 283, 284, 285, 286, 287, 288, 290, 291, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 321, 323, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 344, 345, 349, 350, 353, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 371, 372, 373, 374, 375, 376, 377, 379, 380, 381,

382, 383, 384, 385, 386, 387, 388, 390, 391, 392, 395, 403, 404, 405, 406, 408, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 432, 433, and 434, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate to the title of the bill and agree to the same.

Amendment numbered 2:

That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same with the following amendments:

On page 5 of the Senate engrossed amendments, in the table of contents for title IV, strike out all beginning with "Sec. 409" and insert the following:

Sec. 409. Freedom to emigrate to join a very close relative in the United States.

Sec. 410. East-West Trade Statistics Monitoring System.

Sec. 411. East-West Foreign Trade Board.

On page 5 of the Senate engrossed amendments, at the end of the table of contents for title VI, insert the following:

Sec. 613. Limitation on credit to Russia.

And the Senate agree to the same.

Amended numbered 3:

That the House recede from its disagreement to the amendment of the Senate numbered 3, and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

The purposes of this Act are, through trade agreements affording mutual benefits—

(1) to foster the economic growth of and full employment in the United States and to strengthen economic relations between the United States and foreign countries through open and non-discriminatory world trade;

(2) to harmonize, reduce, and eliminate barriers to trade on a basis which assures substantially equivalent competitive opportunities for the commerce of the United States;

(3) to establish fairness and equity in international trading relations, including reform of the General Agreement on Tariffs and Trade;

(4) to provide adequate procedures to safeguard American industry and labor against unfair or injurious import competition, and to assist industries, firm, workers, and communities to adjust to changes in international trade flows;

(5) to open up market opportunities for United States commerce in nonmarket economies; and

(6) to provide fair and reasonable access to products of less developed countries in the United States market.

And the Senate agree to the same.

Amendment numbered 5:

That the House recede from its disagreement to the amendment of the Senate numbered 5, and agree to the same with the following amendments:

On page 9, line 4, of the Senate engrossed amendments, strike out "50 percent" and insert the following: *40 percent*.

On page 9, line 8, of the Senate engrossed amendments, strike out "10 percent" and insert the following: *5 percent*.

And the Senate agree to the same.

Amendment numbered 10:

That the House recede from its disagreement to the amendment of the Senate numbered 10, and agree to the same with the following amendments:

On page 10, line 5, of the Senate engrossed amendments, strike out "(1)".

On page 10 of the Senate engrossed amendments, beginning with line 19, strike out all through line 13 on page 11.

On page 12 of the Senate engrossed amendments, strike out lines 9 through 21 and insert the following:

with a draft of an implementing bill (described in section 151 (b)) and a statement of any administrative action proposed to implement such agreement, to the Congress as provided in subsection (e), and such agreement shall enter into force with respect to the United States only if the provisions of subsection (e) are complied with and the implementing bill submitted by the President is enacted into law.

And the Senate agree to the same.

Amendment numbered 12:

That the House recede from its disagreement to the amendment of the Senate numbered 12, and agree to the same with an amendment as follows:

On page 15, lines 22 and 23, of the Senate engrossed amendments, strike out "and consistent with the provisions of section 103"; and the Senate agree to the same.

Amendment numbered 13:

That the House recede from its disagreement to the amendment of the Senate numbered 13, and agree to the same with an amendment as follows:

On page 16, line 20, of the Senate engrossed amendments, strike out "principal"; and the Senate agree to the same.

Amendment numbered 14:

That the House recede from its disagreement to the amendment of the Senate numbered 14, and agree to the same with an amendment as follows:

On page 17, line 3, of the Senate engrossed amendments, strike out "principal"; and the Senate agree to the same.

Amendment numbered 18:

That the House recede from its disagreement to the amendment of the Senate numbered 18, and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

(1) a reduction of 3 percent ad valorem or a reduction of one-tenth of the total reduction, whichever is greater, had taken effect on the

effective date of the first reduction proclaimed pursuant to section 101 (a) (2) to carry out such agreement with respect to such article, and (2) a reduction equal to the amount applicable under paragraph (1) had taken effect at 1 year intervals after the effective date of such first reduction.

And the Senate agree to the same.

Amendment numbered 35:

That the House recede from its disagreement to the amendment of the Senate numbered 35, and agree to the same with the following amendments:

On page 22, line 10, of the Senate engrossed amendments, strike out "(12)" and insert the following: (11).

On page 22, line 14, of the Senate engrossed amendments, after the comma insert the following: *and*.

And the Senate agree to the same.

Amendment numbered 37:

That the House recede from its disagreement to the amendment of the Senate numbered 37, and agree to the same with an amendment, as follows:

In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

(12) consistent with the provisions of section 107, any revisions necessary to establish within the GATT an international agreements on articles (including footwear), including the creation of regular and institutionalized mechanisms for the settlement of disputes, and of a surveillance body to monitor all international shipments in such articles.

And the Senate agree to the same.

Amendment numbered 42:

That the House recede from its disagreement to the amendment of the Senate numbered 42, and agree to the same with an amendment as follows:

On page 24, line 21, of the Senate engrossed amendments, strike out "180" and insert the following: 150; and the Senate agree to the same.

Amendment numbered 80:

That the House recede from its disagreement to the amendment of the Senate numbered 80, and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

(c) Before entering into any trade agreement under this section with any foreign country or instrumentality, the President shall consider whether such country or instrumentality has violated trade concessions of benefit to the United States and such violation has not been adequately offset by the action of the United States or by such country or instrumentality.

And the Senate agree to the same.

Amendment numbered 90:

That the House recede from its disagreement to the amendment of the Senate numbered 90, and agree to the same with an amendment, as follows:

On page 32, line 12, of the Senate engrossed amendments, strike out "July" and insert the following: *January*; and the Senate agree to the same.

Amendment numbered 91:

That the House recede from its disagreement to the amendment of the Senate numbered 91, and agree to the same with an amendment, as follows:

On page 32, line 21, of the Senate engrossed amendments, strike out "shall" and insert the following: *may*; and the Senate agree to the same.

Amendment numbered 104:

That the House recede from its disagreement to the amendment of the Senate numbered 104, and agree to the same with an amendment, as follows:

On page 34, line 13, of the Senate engrossed amendments, after "agreements" insert the following: *entered into under this Act*.

On page 34, line 17, of the Senate engrossed amendments, after "agreements" insert the following: *entered into under this Act*.

And the Senate agree to the same.

Amendment numbered 105:

That the House recede from its disagreement to the amendment of the Senate numbered 105, and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the Senate amendment, insert the following:

(c) If the President determines under subsection (b) that a major industrial country has not made concessions under trade agreements entered into under this Act which provide substantially equivalent competitive opportunities for the commerce of the United States, he shall, either generally with respect to such country or by article produced by such country, in order to restore equivalence of competitive opportunities, recommend to the Congress—

(1) legislation providing for the termination or denial of the benefits of concessions of trade agreements entered into under this Act made with respect to rates of duty or other import restrictions by the United States; and

(2) that any legislation necessary to carry out any trade agreement under section 102 shall not apply to such country.

And the Senate agree to the same.

Amendment numbered 145:

That the House recede from its disagreement to the amendment of the Senate numbered 145, and agree to the same with an amendment as follows:

Restore the matter proposed to be stricken out, and on page 37, line 13 of the House engrossed bill, strike out "(j)" and insert the following: *(k)*; and the Senate agree to the same.

Amendment numbered 159:

That the House recede from its disagreement to the amendment of the Senate numbered 159, and agree to the same with the following amendments:

On page 48 of the Senate engrossed amendments, beginning with "negotiation" in line 16, strike out all through "(b) (5)," in line 18.

On page 50 of the Senate engrossed amendments, beginning with line 10, strike out all through line 6 on page 51.

On page 53 of the Senate engrossed amendments, beginning with line 2, strike out all through line 22 on page 54.

On page 54 of the Senate engrossed amendments, strike out lines 24 and 25 and insert the following: *implementing bill or approval resolution shall be in order.*

On page 55 of the Senate engrossed amendments beginning with "bill" in line 11, strike out all through "disapproval" in line 12 and insert the following: *bill or approval.*

On page 55 of the Senate engrossed amendments, beginning with "bill" in line 24, strike out all through line 13 on page 56 and insert the following: *bill or approval resolution of that House, that House receives the same implementing bill or approval resolution from the other House, then—*

(A) *the procedure in that House shall be the same as if no implementing bill or approval resolution had been received from the other House; but*

(B) *the vote on final passage shall be on the implementing bill or approval resolution of the other House.*

On page 57 of the Senate engrossed amendments, beginning with line 10, strike out all through line 8 on page 60 and insert the following:

(f) *Floor consideration in the House.—*

(1) *A motion in the House of Representatives to proceed to the consideration of an implementing bill or approval resolution shall be highly privileged and not debatable. An amendment to the motion shall not be in order, nor shall it be in order to move to reconsider the vote by which the motion is agreed to or disagreed to.*

(2) *Debate in the House of Representatives on an implementing bill or approval resolution shall be limited to not more than 20 hours, which shall be divided equally between those favoring and those opposing the bill or resolution. A motion further to limit debate shall not be debatable. It shall not be in order to move to recommit an implementing bill or approval resolution or to move to reconsider the vote by which an implementing bill or approval resolution is agreed to or disagreed to.*

(3) *Motions to postpone, made in the House of Representatives with respect to the consideration of an implementing bill or approval resolution, and motions to proceed to the consideration of other business, shall be decided without debate.*

(4) *All appeals from the decisions of the Chair relating to the application of the Rules of the House of Representatives to the procedure relating to an implementing bill or approval resolution shall be decided without debate.*

(5) *Except to the extent specifically provided in the preceding provisions of this subsection, consideration of an implementing bill or approval resolution shall be governed by the Rules of the*

House of Representatives applicable to other bills and resolutions in similar circumstances.

(g) *Floor consideration in the Senate.—*

(1) *A motion in the Senate to proceed to the consideration of an implementing bill or approval resolution shall be privileged and not debatable. An amendment to the motion shall not be in order, nor shall it be in order to move to reconsider the vote by which the motion is agreed to or disagreed to.*

(2) *Debate in the Senate on an implementing bill or approval resolution, and all debatable motions and appeals in connection therewith, shall be limited to not more than 20 hours. The time shall be equally divided between, and controlled by, the majority leader and the minority leader or their designees.*

(3) *Debate in the Senate on any debatable motion or appeal in connection with an implementing bill or approval resolution shall be limited to not more than 1 hour, to be equally divided between, and controlled by, the mover and the manager of the bill or resolution, except that in the event the manager of the bill or resolution is in favor of any such motion or appeal, the time in opposition thereto, shall be controlled by the minority leader or his designee. Such leaders, or either of them, may, from time under their control on the passage of an implementing bill or approval resolution, allot additional time to any Senator during the consideration of any debatable motion or appeal.*

(4) *A motion in the Senate to further limit debate is not debatable. A motion to recommit an implementing bill or approval resolution is not in order.*

And the Senate agree to the same.

Amendment numbered 161:

That the House recede from its disagreement to the amendment of the Senate numbered 161, and agree to the same with the following amendments:

On page 61, line 13, of the Senate engrossed amendments, after "by" insert the following: *, or the determination of,*

On page 62, line 12, of the Senate engrossed amendments, strike out "(b)", "403 (b)", "409 (b)", or "411 (b)" and insert the following: "(b)" or "409(b)".

And the Senate agree to the same.

Amendment numbered 172:

That the House recede from its disagreement to the amendment of the Senate numbered 172, and agree to the same with an amendment as follows:

On page 72 of the Senate engrossed amendments, beginning with "Such" in line 1 strike out all through line 9; and the Senate agree to the same.

Amendment numbered 174:

That the House recede from its disagreement to the amendment of the Senate numbered 175, and agree to the same with an amendment as follows:

On page 73 of the Senate engrossed amendments, beginning with line 4, strike out all through line 5 on page 75 and insert the following:

"(a) Membership.—The United States International Trade Commission (referred to in this title as the "Commission") shall be composed of six commissioners who shall be appointed by the President, by and with the advice and consent of the Senate. No person shall be eligible for appointment as a commissioner unless he is a citizen of the United States, and, in the judgment of the President, is possessed of qualifications requisite for developing expert knowledge of international trade problems and efficiency in administering the duties and functions of the Commission. A person who has served as a commissioner for more than 5 years (excluding service as a commissioner before the date of the enactment of the Trade Act of 1974) shall not be eligible for reappointment as a commissioner. Not more than three of the commissioners shall be members of the same political party, and in making appointments members of different political parties shall be appointed alternately as nearly as may be practicable.

"(b) Terms of Office.—The terms of office of the commissioners holding office on the date of the enactment of the Trade Act of 1974 which (but for this sentence) would expire on June 16, 1975, June 16, 1976, June 16, 1977, June 16, 1978, June 16, 1979, and June 16, 1980, shall expire on December 16, 1976, June 16, 1978, December 16, 1979, June 16, 1981, December 16, 1982, and June 16, 1984, respectively. The term of office of each commissioner appointed after such date shall expire 9 years from the date of the expiration of the term for which his predecessor was appointed, except that any commissioner appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed for the remainder of such term."

(b) Subsection (c) of such section is amended—

(1) by striking out "The" in the first sentence and inserting in lieu thereof "(1) Except as provided in paragraph (2), the"; and

(2) by adding at the end thereof the following new paragraph:

"(2) Effective on and after June 17, 1975, the commissioner whose term is first to expire and who has at least 18 months remaining in his term shall serve as chairman during the last 18 months of his term (or, in the case of a commissioner appointed to fill a vacancy occurring during such 18-month period, during the remainder of his term), and the commissioner whose term is second to expire and who has at least 36 months remaining in his term shall serve as vice chairman during the same 18-month period (or, in the case of a commissioner appointed to fill a vacancy occurring during such 18-month period, during the remainder of such 18-month period)."

And the Senate agree to the same.

Amendment numbered 185:

That the House recede from its amendment numbered 185, and agree to the same with an amendment, as follows:

In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

(C) may, in the case of one or more domestic producers, who produce a like or directly competitive article in a major geographic area of the United States, and whose production facilities

in such area for such article constitute a substantial portion of the domestic industry in the United States and primarily serve the market in such area, and where the imports are concentrated in such area, treat as such domestic industry only that segment of the production located in such area.

And the Senate agree to the same.

Amendment numbered 198:

That the House recede from its disagreement to the amendment of the Senate numbered 198, and agree to the same with the following amendments:

On page 80, line 15, of the Senate engrossed amendments, immediately after "section 203," insert the following: *unless he determines that provision of such relief is not in the national economic interest of the United States.*

On page 81, line 7, of the Senate engrossed amendments, immediately after "60 days", insert the following: *(30 days in the case of a supplemental report under subsection (d)).*

On page 81, line 11, of the Senate engrossed amendments, immediately after "60-day", insert the following: *(or 30-day).*

On page 81, line 14, of the Senate engrossed amendments, immediately after "provide," insert the following: *or determine that the provision of such relief is not in the national economic interest of the the United States.*

And the Senate agree to the same.

Amendment numbered 199:

That the House recede from its disagreement to the amendment of the Senate numbered 199, and agree to the same with an amendment, as follows:

In lieu of the matter proposed to be inserted by the Senate amendment insert the following: *whether to provide import relief and what method and amount of import relief he will provide; and the Senate agree to the same.*

Amendment numbered 207:

That the House recede from its disagreement to the amendment of the Senate numbered 207, and agree to the same with the following amendment:

On page 82, line 16, of the Senate engrossed amendments, strike out "is required" and insert in lieu thereof the following: *determines; and the Senate agree to the same.*

Amendment numbered 209:

That the House recede from its disagreement to the amendment of the Senate numbered 209, and agree to the same with the following amendments:

On page 83, beginning with line 3, of the Senate engrossed amendments, after "(b)" insert the following: *(1).*

Page 83, after line 10, of the Senate engrossed amendment, insert the following:

(2) On the day on which the President determines that the provision of import relief is not in the national economic interest of the

United States, the President shall transmit to Congress a document setting forth such determination and the reasons why, in terms of the national economic interest, he is not providing import relief and also what other steps he is taking, beyond adjustment assistance programs immediately available to help the industry to overcome serious injury and the workers to find productive employment.

Amendment numbered 210:

That the House recede from its disagreement to the amendment of the Senate numbered 210, and agree to the same with the following amendments:

On page 83, line 14, of the Senate engrossed amendments, immediately after the comma, insert the following: *or that he will not provide import relief.*

On page 83, line 22, of the Senate engrossed amendments, immediately before "under", insert the following: *or his determination not to provide import relief.*

And the Senate agree to the same.

Amendment numbered 214:

That the House recede from its disagreement to the amendment of the Senate numbered 214, and agree to the same with an amendment as follows:

On page 85, line 10, of the Senate engrossed amendments, beginning with "as to", strike out through the period on line 11 and insert in lieu thereof a period; and the Senate agree to the same.

Amendment numbered 234:

That the House recede from its disagreement to the amendment of the Senate numbered 234, and agree to the same with an amendment as follows:

Restore the matter proposed to be stricken out and on page 63, line 3, of the House engrossed bill, strike out "Tariff", and strike out "(j) (2)" and insert the following: *(i) (2)*; and the Senate agree to the same.

Amendment numbered 249:

That the House recede from its disagreement to the amendment of the Senate numbered 249, and agree to the same with the following amendments:

On page 88, line 16, of the Senate engrossed amendments, immediately after "9K)", insert the following: *(1)*.

On page 88, after line 20, of the Senate engrossed amendments, insert the following:

(2) If the Commission treats as the domestic industry production located in a major geographic area of the United States under section 201(b)(3)(C), then the President shall take into account the geographic concentration of domestic production and of imports in that area in providing import relief, if any, which may include actions authorized under paragraph (1).

And the Senate agree to the same.

Amendment numbered 262:

That the House recede from its disagreement to the amendment of the Senate numbered 262, and agree to the same with an amendment, as follows:

On page 90, line 6, of the Senate engrossed amendments, strike out "75" and insert the following: 70; and the Senate agree to the same.

Amendment numbered 281:

That the House recede from its disagreement to the amendment of the Senate numbered 281, and agree to the same with an amendment, as follows:

On page 93, beginning with line 21, of the Senate engrossed amendments, strike out through line 3 on page 94 and insert in lieu thereof the following:

(2) *There are authorized to be appropriated to the Trust Fund, for purposes of training (including administrative costs) under section 236 such sums as may be necessary; and the Senate agree to the same.*

Amendment numbered 289:

That the House recede from its disagreement to the amendment of the Senate numbered 289, and agree to the same with an amendment as follows:

On page 95, line 14, of the Senate engrossed amendments, strike out "or group of workers," and insert in lieu thereof a comma and the following: *group of workers, certified or recognized union;*; and the Senate agree to the same.

Amendment numbered 320:

That the House recede from its disagreement to the amendment of the Senate numbered 320, and agree to the same with the following amendments:

On page 101, line 20, of the Senate engrossed amendments, strike out "absolute".

On page 106, beginning with line 5, of the Senate engrossed amendments, strike out through line 9.

On page 106, line 10, of the Senate engrossed amendments, strike out "(3)" and insert in lieu thereof the following: (1).

On page 106, line 11, strike out "1980," and insert in lieu thereof the following: 1982..

On page 106, line 12, of the Senate engrossed amendments, strike out "(4)" and insert in lieu thereof the following: (2).

On page 106, line 15, of the Senate engrossed amendments, strike out "(5)" and insert in lieu thereof the following: (3).

On page 106, line 16, of the Senate engrossed amendments, immediately after "subsection" insert the following: *by the United States.*

On page 106, beginning with line 18, of the Senate engrossed amendments, strike out through line 24 on page 111 and insert in lieu thereof the following:

(e) *The Governor of the State, the authorized representative of the community, or the Governor of the State and the authorized rep-*

representative of the community, in which an applicant for a loan guarantee under subsection (b) is located may enter into an agreement with the Secretary which provides that such State or such community, or that such State and such community, will pay not to exceed one-half of the amount of any liability which arises on a loan guarantee made under subsection (d) if the State in which the applicant for such guarantee is located has established by law a program approved by the Secretary for the purposes of this section.

On page 111, beginning with line 25, of the Senate engrossed amendments, strike out through line 2 on page 112 and insert in lieu thereof the following:

(f) (1) When considering whether to guarantee a loan to a corporation which is otherwise qualified for the purposes of subsection (d), the Secretary shall give preference to a corporation which agrees with respect to such loan to fulfill the following requirements—

On page 112, line 15, of the Senate engrossed amendments, strike out "section" and insert in lieu thereof the following: *subsection.*

On page 113, line 6, of the Senate engrossed amendments, strike out "section" and insert in lieu thereof the following: *subsection.*

On page 116, line 7, of the Senate engrossed amendments, strike out "(1)".

On page 116, line 7, of the Senate engrossed amendments, strike out "Federal Government" and insert in lieu thereof: *United States.*

On page 116, beginning with line 10, of the Senate engrossed amendments, strike out through line 12.

On page 117, line 8, of the Senate engrossed amendments, strike out "5" and insert in lieu thereof the following: 7.

And the Senate agree to the same.

Amendment numbered 322:

That the House recede from its disagreement to the amendment of the Senate numbered 322, and agree to the same with an amendment as follows:

On page 117, line 21, of the Senate engrossed amendments, strike out "January 30, 1979" and insert the following: *January 31, 1980;* and the Senate agree to the same.

Amendment numbered 324:

That the House recede from its disagreement to the amendment of the Senate numbered 324, and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

Sec. 282. Trade monitoring system.

The Secretary of Commerce and the Secretary of Labor shall establish and maintain a program to monitor imports of articles into the United States which will reflect changes in the volume of such imports, the relation of such imports to changes in domestic production, changes in employment within domestic industries producing articles like or directly competitive with such imports, and the extent to which such changes in production and employment are concentrated in specific

geographic regions of the United States. A summary of the information gathered under this section shall be published regularly and provided to the Adjustment Assistance Coordinating Committee, the International Trade Commission, and to the Congress.

And the Senate agree to the same.

Amendment numbered 325:

That the House recede from its disagreement to the amendment of the Senate numbered 325, and agree to the same with the following amendment:

In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

Sec. 283. Firms Relocating in Foreign Countries.

Before moving productive facilities from the United States to a foreign country, every firm should—

(1) provide notice of the move to its employees who are likely to be totally or partially separated as a result of the move at least 60 days before the date of such move, and

(2) provide notice of the move to the Secretary of Labor and the Secretary of Commerce on the same day it notifies employees under paragraph (1).

(b) It is the sense of the Congress that every such firm should—

(1) apply for and use all adjustment assistance for which it is eligible under this title,

(2) offer employment opportunities in the United States, if any exist, to its employees who are totally or partially separated workers as a result of the move, and

(3) assist in relocating employees to other locations in the United States where employment opportunities exist.

And the Senate agree to the same.

Amendment numbered 326:

That the House recede from its disagreement to the amendment of the Senate numbered 326, and agree to the same with the following amendment:

On page 122, line 2, of the Senate engrossed amendments, strike out "1980." and insert in lieu thereof the following: 1982.; and the Senate agree to the same.

Amendment numbered 343:

That the House recede from its disagreement to the amendment of the Senate numbered 343, and agree to the same with an amendment, as follows:

On page 131, line 23, of the Senate engrossed amendments, strike out "may" and insert the following: *shall*; and the Senate agree to the same.

Amendment numbered 347:

That the House recede from its disagreement to the amendment of the Senate numbered 347, and agree to the same with an amendment, as follows:

On page 133, line 24, of the Senate engrossed amendments, strike out "(g)" and insert the following: (f); and the Senate agree to the same.

Amendment numbered 352:

That the House recede from its disagreement to the amendment of the Senate numbered 352, and agree to the same with the following amendments:

On page 137, line 12, of the Senate engrossed amendments, strike out "(4)" and insert the following: (3).

On page 137, line 12, of the Senate engrossed amendments, strike out "(g)" and insert the following: (f).

And the Senate agree to the same.

Amendment numbered 354:

That the House recede from its disagreement to the amendment of the Senate numbered 354, and agree to the same with the following amendments:

On page 141, line 22, of the Senate engrossed amendments, strike out "two-year" and insert the following: *four-year*.

On page 142 of the Senate engrossed amendments, strike out lines 17 through 20 and insert the following: *during the remainder of such four-year period. This paragraph shall not apply with respect to any case involving non-rubber footwear pending on the date of the enactment of the Trade Act of 1974 until and unless agreements which temporize imports of non-rubber footwear become effective.*

And the Senate agree to the same.

Amendment numbered 369:

That the House recede from its disagreement to the amendment of the Senate numbered 369, and agree to the same with an amendment as follows:

On page 146 of the Senate engrossed amendments, beginning with "The" in line 4 strike out all through line 6; and the Senate agree to the same.

Amendment numbered 370:

That the House recede from its disagreement to the amendment of the Senate numbered 370, and agree to the same with an amendment, as follows:

On page 148 of the Senate engrossed amendments, beginning with "presented" in line 14, strike out all through "presented" in line 16 and insert the following: *presented in all cases*; and the Senate agree to the same.

Amendment numbered 378:

That the House recede from its disagreement to the amendment of the Senate numbered 378, and agree to the same with the following amendments:

On page 162 of the Senate engrossed amendment beginning with line 19, strike out all through line 11 on page 164 and insert the following:

(a) *Notwithstanding any other provision of law, if the President determines that a nonmarket economy country is not cooperating with the United States—*

(1) to achieve a complete accounting of all United States military and civilian personnel who are missing in action in Southeast Asia,

(2) to repatriate such personnel who are alive, and

(3) to return the remains of such personnel who are dead to the United States,

then, during the period beginning with the date of such determination and ending on the date on which the President determines such country is cooperating with the United States, he may provide that—

(A) the products of such country may not receive non-discriminatory treatment,

(B) such country may not participate, directly or indirectly, in any program under which the United States extends credit, credit guarantees, or investment guarantees, and

(C) no commercial agreement entered into under this title between such country and the United States will take effect.

On page 164, line 12, of the senate engrossed amendments strike out “(c)” and insert the following: (b)

And the Senate agree to the same.

Amendment numbered 389:

That the House recede from its disagreement to the amendment of the Senate numbered 389, and agree to the same with the following amendments:

On page 170, lines 12 and 13 of the Senate engrossed amendments, strike out “Special Representative for Trade Negotiations” and insert the following: *President*

On page 170, line 14, of the Senate engrossed amendments, strike out “Special Representative” and insert the following: *President*

On page 170, line 19, of the Senate engrossed amendments, strike out “Special Representative” and insert: *President*

On page 171 of the Senate engrossed amendments, strike out lines 3 through 7 and insert the following:

(2) *Market disruption exists within a domestic industry whenever imports of an article, like or directly competitive with an article produced by such domestic industry, are increasing rapidly, either absolutely or relatively, so as to be a significant cause of material injury, or threat thereof, to such domestic industry.*

And the Senate agree to the same.

Amendment numbered 393:

That the House recede from its disagreement to the amendment of the Senate numbered 393, and agree to the same with the following amendments:

On page 171, lines 19 and 20 of the Senate engrossed amendments, strike out “402(b), 403(b), 409(b), or 411(b)” and insert the following: *402(b) or 409(b).*

On page 171, line 23, of the Senate engrossed amendments, strike out the comma.

On page 172, line 1, of the Senate engrossed amendments, strike out "403(b), 409(b), or 411(b)" and insert the following: *or 409(b)*.

And the Senate agree to the same.

Amendment numbered 394:

That the House recede from its disagreement to the amendment of the Senate numbered 394, and agree to the same with the following amendments:

On page 173, line 9, of the Senate engrossed amendments, strike out "402(b), 403(b), 409(b), or 411(b)" and insert the following: *402(b) or 409(b)*.

On page 174 of the Senate engrossed amendments, beginning with "Clause" in line 4, strike out all through line 6.

And the Senate agree to the same.

Amendment numbered 396:

That the House recede from its disagreement to the amendment of the Senate numbered 396, and agree to the same with an amendment, as follows:

In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

"Sec. 408. Payment by Czechoslovakia of Amounts Owed United States Citizens and Nationals.

(a) The arrangement initiated on July 5, 1974, with respect to the settlement of the claims of citizens and nationals of the United States against the Government of Czechoslovakia shall be renegotiated and shall be submitted to the Congress as part of any agreement entered into under this title with Czechoslovakia.

(b) The United States shall not release any gold belonging to Czechoslovakia and controlled directly or indirectly by the United States pursuant to the provisions of the Paris Reparations Agreement of January 24, 1946, or otherwise, until such agreement has been approved by the Congress.

And the Senate agree to the same.

Amendment numbered 400:

That the House recede from its disagreement to the amendment of the Senate numbered 400, and agree to the same with the following amendments:

On page 178, line 6, of the Senate engrossed amendments, strike out "411" and insert the following: *409*

On page 180 of the Senate engrossed amendments, after line 2 insert the following:

(c) This section shall not apply to any country the products of which are eligible for the rates set forth in rate column numbered 1 of the Tariff Schedules of the United States on the date of enactment of this Act.

(d) During any period that a waiver is in effect with respect to any nonmarket economy country under section 402(c), the provisions of subsections (a) and (b) shall not apply with respect to such country.

And the Senate agree to the same.

Amendment numbered 401:

That the House recede from its disagreement to the amendment of the Senate numbered 401, and agree to the same with an amendment, as follows:

On page 180, line 3, of the Senate engrossed amendments, strike out "412" and insert the following: 410; and the Senate agree to the same.

Amendment numbered 402:

That the House recede from its disagreement to the amendment of the Senate numbered 402, and agree to the same with an amendment, as follows:

On page 181, beginning with line 4, of the Senate engrossed amendments, strike out through line 17 on page 185 and insert in lieu thereof the following:

Sec. 411. East-West Foreign Trade Board.

(a) *The President shall establish an East-West Foreign Trade Board (hereinafter referred to as the "Board") to monitor trade between persons and agencies of the United States Government and non-market economy countries or instrumentalities of such countries to insure that such trade will be in the national interest of the United States.*

(b)(1) *Any person who exports technology vital to the national interest of the United States to a nonmarket economy country or an instrumentality of such country, and any agency of the United States which provides credits, guarantees or insurance to such country or such instrumentality in an amount in excess of \$5,000,000 during any calendar year, shall file a report with the Board in such form and manner as the Board requires which describes the nature and terms of such export or such provision.*

(2) *For purposes of paragraph (1), if the total amount of credits, guarantees and insurance which an agency of the United States provides to all nonmarket economy countries and the instrumentalities of such countries exceeds \$5,000,000 during a calendar year, then all subsequent provisions of credits, guarantees or insurance in any amount, during such year shall be reported to the Board under the provisions of paragraph (1).*

(c) *The Board shall submit to Congress a quarterly report on trade between the United States and nonmarket economy countries and instrumentalities of such countries. Such report shall include a review of the status of negotiations of bilateral trade agreements between the United States and such countries under this title, the activities of joint trade commissions created pursuant to such agreements, the resolution of commercial disputes between the United States and such countries, any exports from such countries which have caused disruption of United States markets, and recommendations for the promotion of east-west trade in the national interest of the United States.*

And the Senate agree to the same.

Amendment numbered 407:

That the House recede from its disagreement to the amendment of the Senate numbered 407, and agree to the same with amendments:

On page 186, beginning with line 21, of the Senate engrossed amendments, strike out through line 4 on page 187 and insert in lieu thereof the following:—

(2) if such country is a member of the Organization of Petroleum Exporting Countries, or a party to any other arrangement of foreign countries, and such country participates in any action pursuant to such arrangement the effect of which is to withhold supplies of vital commodity resources from international trade or to raise the price of such commodities to an unreasonable level and to cause serious disruption of the world economy;

On page 187, line 5, strike out “(4)” and insert in lieu thereof the following: (3).

On page 187, line 15, of the Senate engrossed amendments, strike out “(5)” and insert in lieu thereof the following: (4).

On page 189, line 7, of the Senate engrossed amendments, strike out “(6)” and insert in lieu thereof the following: (5).

On page 189, line 7, of the Senate engrossed amendments, immediately after “to”, insert the following: *cooperate with the United States to.*

On page 189, line 14, strike out “(7)” and insert in lieu thereof the following: (6).

On page 189, after line 21 on the Senate engrossed amendments, insert the following: *Paragraphs (4), (5), and (6) shall not prevent the designation of any country as a beneficiary developing country under this section if the President determines that such designation will be in the national economic interest of the United States and reports such determination to the Congress with his reasons therefor.*

And the Senate agree to the same.

Amendment numbered 409:

That the House recede from its disagreement to the amendment of the Senate numbered 409, and agree to the same with an amendment, as follows:

On page 190, line 10, of the Senate engrossed amendments, strike out “Reform”; and the Senate agree to the same.

Amendment numbered 410:

That the House recede from its disagreement to the amendment of the Senate numbered 410, and agree to the same with an amendment, as follows:

On page 190, line 19, of the Senate engrossed amendments, strike out “paragraphs (2) and (3)” and insert in lieu thereof the following: *paragraph (2)*; and the Senate agree to the same.

Amendment numbered 411:

That the House recede from its disagreement to the amendment of the Senate numbered 411, and agree to the same with amendments, as follows:

On page 193, line 6, of the Senate engrossed amendments, strike out “footwear” and insert the following: *footwear*.

On page 193, line 10, of the Senate engrossed amendments, immediately after “(F)”, insert the following: *import-sensitive*.

And the Senate agree to the same.

Amendment numbered 412:

That the House recede from its disagreement to the amendment of the Senate numbered 412, and agree to the same with an amendment, as follows:

On page 195, line 24, of the Senate engrossed amendments, immediately after "produced", insert the following: *on the date of enactment of this Act*; and the Senate agree to the same.

Amendment numbered 430:

That the House recede from its disagreement to the amendment of the Senate numbered 430, and agree to the same with an amendment, as follows:

On page 199, beginning with line 23, of the Senate engrossed amendments, strike out through line 25 and insert in lieu thereof the following:

(b) *In carrying out the responsibilities under section 484(e), Tariff Act of 1930 and other pertinent statutes, the Secretary of Commerce and the United States International Trade Commission shall conduct jointly a study of existing commodity classification systems with a view to identifying the appropriate principles and concepts which should guide the organization and development of an enumeration of articles which would result in comparability of United States import, production, and export data. The Secretary and the United States International Trade Commission shall submit a report to both Houses of Congress and to the President with respect to such study no later than August 1, 1975.*

(c) *In further connection with its responsibilities pursuant to subsections (a) and (b), the United States International Trade Commission shall undertake an investigation under section 332(g) of the Tariff Act of 1930 which would provide the basis for—*

(1) *a report on the appropriate concepts and principles which should underlie the formulation of an international commodity code adaptable for modernized tariff nomenclature purposes and for recording, handling, and reporting of transactions in national and international trade, taking into account how such a code could meet the needs of sound customs and trade reporting practices reflecting the interests of United States and other countries, such report to be submitted to both Houses of Congress and to the President as soon as feasible, but in any event, no later than June 1, 1975; and*

(2) *full and immediate participation by the United States International Trade Commission in the United States contribution to technical work of the Harmonized Systems Committee under the Customs Cooperation Council to assure the recognition of the needs of the United States business community in the development of a Harmonized Code reflecting sound principles of commodity identification and specification and modern producing methods and trading practices,*

and, in carrying out such responsibilities, the Commission shall report to both Houses of Congress and to the President, as it deems appropriate.

(d) *The President is requested to direct the appropriate agencies to cooperate fully with the Secretary of Commerce and the United States International Trade Commission in carrying out their responsibilities under subsections (a), (b), and (c).*

(e) *The amendment made by subsection (a) insofar as it relates to export declarations shall take effect on January 1, 1976.*

And the Senate agree to the same.

Amendment numbered 431 :

That the House recede from its disagreement to the amendment of the Senate Numbered 431, and agree to the same with an amendment, as follows:

On page 200, line 12, of the Senate engrossed amendments, strike out "current monthly" and insert in lieu thereof the following: *quarterly*; and the Senate agree to the same.

Amendment numbered 435 :

That the House recede from its disagreement to the amendment of the Senate Numbered 435, and agree to the same with amendments, as follows:

On page 203, line 21, of the Senate engrossed amendments, strike out "Reform".

On page 203, line 22, of the Senate engrossed amendments, immediately after "United States", insert the following: , *other than the Commodity Credit Corporation*, .

On page 204, line 2, of the Senate engrossed amendments, after "approval" insert the following: *as provided by law*.

And the Senate agree to the same.

AL ULLMAN,
JAMES A. BURKE,
MARTHA GRIFFITHS,
DAN ROSTENKOWSKI,
H. T. SCHNEEBELI,
BARBER B. CONABLE, Jr.,
J. L. PETTIS,

Managers on the Part of the House.

RUSSELL B. LONG,
HERMAN TALMADGE,
ABE RIBICOFF,
W. F. MONDALE,
WALLACE F. BENNETT,
PAUL FANNIN,
CLIFFORD P. HANSEN,

Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 10710) to promote the development of an open, nondiscriminatory, and fair world economic system to stimulate the economic growth of the United States, and for other purposes, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

The following Senate amendments made technical, clerical, clarifying, or conforming changes: 1, 2, 4, 6, 17, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 38, 46, 47, 48, 49, 50, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 107, 108, 110, 111, 112, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 127, 129, 130, 131, 132, 133, 134, 137, 138, 140, 141, 142, 143, 144, 146, 147, 148, 149, 151, 152, 154, 155, 156, 157, 158, 163, 164, 165, 166, 168, 169, 171, 173, 175, 176, 177, 178, 179, 182, 183, 184, 186, 187, 188, 189, 190, 192, 193, 194, 195, 196, 197, 199, 200, 201, 203, 204, 205, 208, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 255, 256, 257, 258, 259, 260, 261, 263, 269, 277, 278, 279, 280, 282, 283, 285, 286, 287, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 321, 327, 328, 333, 339, 340, 341, 342, 344, 345, 348, 349, 350, 351, 352, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 371, 372, 373, 374, 376, 377, 379, 381, 382, 383, 384, 386, 388, 390, 391, 392, 395, 403, 404, 405, 409, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, and 434. With respect to these amendments (1) the House either recedes or recedes with amendments which are technical, clerical, clarifying, or conforming in nature; or (2) the Senate recedes in order to conform to other action agreed upon by the committee of conference.

Amendment No. 3: Section 2 of the House bill states that the purposes of the bill are to (1) stimulate the economic growth of the United States and to maintain and enlarge foreign markets for the products of United States agriculture, industry, mining, and commerce; and (2) strengthen economic relations with foreign countries through the development of fair and equitable market opportunities and through open and nondiscriminatory world trade. The Senate amendment substitutes for the general purposes stated in the House

bill 15 specific purposes which essentially summarize the major provisions of the bill as amended by the Senate. The House recedes, with the following amendment:

The purposes of this Act are, through trade agreements affording mutual benefits,

(1) to foster the economic growth of and full employment in the United States and to strengthen economic relations between the United States and foreign countries through open and non-discriminatory world trade;

(2) to harmonize, reduce and eliminate barriers to trade on a basis which assures substantially equivalent competitive opportunities for the commerce of the United States;

(3) to establish fairness and equity in international trading relations, including reform of the General Agreement on Tariffs and Trade;

(4) to provide adequate procedures to safeguard American industry and labor against unfair or injurious import competition, and to assist industries, firms, workers and communities to adjust to changes in international trade flows;

(5) to open up market opportunities for United States commerce in nonmarket economies; and

(6) to provide fair and reasonable access to products of less developed countries in the United States market.

And the Senate agree to the same.

Amendment No. 5: The House bill authorized the President, in exercising his trade agreement authority, to proclaim tariff reductions but no such proclamation may reduce any rate of duty (1) by more than 60 percent of the rate existing on July 1, 1973, if such rate is 25 percent ad valorem or less; or (2) by more than 75 percent of the rate existing on July 1, 1973, or to a rate of 10 percent ad valorem, whichever results in a higher rate of duty, if the rate existing on July 1, 1973, is more than 25 percent ad valorem. No rate reduction limitation would apply in the case of any rate of duty of 5 percent ad valorem or less. Senate amendment No. 5 authorizes duty reductions of up to 50 percent of the rate existing on January 1, 1975, if that rate is over 10 percent ad valorem, and no limitations are placed on duty reductions if the existing rate on January 1, 1975, is 10 percent ad valorem or less. Under the conference agreement, no reduction limitations are placed on rates which are 5 percent ad valorem or less on January 1, 1975, and duty reductions of up to 60 percent of the rate existing on January 1, 1975, if that rate is over 5 percent ad valorem, are authorized.

Amendments Nos. 7, 8, and 9: Section 102(a) of the House bill (1) set forth the Congressional finding that barriers to (and other distortions of) international trade (nontariff barriers) are reducing the growth of foreign markets for the products of the United States, diminishing intended mutual benefits of reciprocal trade concessions, and preventing the development of open and nondiscriminatory trade among nations; and (2) urged the President to take all steps to limit or reduce such barriers. Senate amendment No. 7 would add additional findings to the House provisions to the effect that nontariff barriers are adversely affecting the United States economy and are

preventing fair and equitable access to supplies, and Senate amendments Nos. 8 and 9 urge the President to take action to harmonize, as well as to eliminate or reduce, such barriers. The House recedes.

Amendment No. 10: Section 102(b) of the House bill authorized the President during the five-year period beginning on the date of the enactment of the bill to enter into trade agreements to eliminate or reduce nontariff barriers if he finds that such barriers of any foreign country or the United States are unduly burdening or restraining the foreign trade of the United States. The Senate amendment retains the provisions of section 102(b) of the House bill but further authorizes the President to enter into agreements if he finds that nontariff barriers are adversely affecting the United States economy, and to enter agreements to harmonize (as well as to reduce or eliminate) such barriers or to provide for the prohibition or limitation on the imposition of such barriers. Section 102(c) of the House bill provided that a principal negotiating objective in entering into trade agreements under section 102 is to obtain with respect to each product sector of manufacturing and to the agricultural sector competitive opportunities for United States exports to the developed countries which are equivalent to the opportunities afforded similar foreign products in United States markets, and also required the Special Representative for Trade Negotiations, together with the Secretaries of Agriculture and Commerce and after consultation with the Advisory Committees established by section 135 of the House bill, to define appropriate sectors of manufacturing.

The Senate amendment deleted the statement of negotiation objectives and the matter relating to the definition of manufacturing sectors from section 102 of the bill and included related provisions in a separate new section (section 104) of the bill. Subsections (d), (e), and (f) of section 102 of the House bill required the President to consult with the Ways and Means and Finance Committees before entering into any trade agreement regarding nontariff barriers and provided that no such agreement, if entered into by the President, which changes domestic law shall enter into force and effect unless (1) the procedure specified in the bill relating to the notification to Congress of his intention to enter into such agreement and the delivery to Congress of a copy of the agreement, proposed implementing actions, if any, and other information, are complied with; and (2) neither House of Congress by resolution disapproves of such agreement before the close of the 90-day period after such delivery. The Senate amendment provided that before the President enters into any negotiations for a trade agreement under section 102, he must report separately to Congress each subject matter area of United States law and administrative practice which he intends to affect under such agreement, and such negotiations may be undertaken with respect to each subject matter area only if negotiation of such area is approved by Congress by resolution pursuant to section 151(b) of the bill. The Senate amendment further requires the President to consult with all appropriate committees of Congress before entering into any such agreement and provides that no agreement (whether or not it would result in any change to domestic law) shall enter into force and effect unless the President appropriately notifies the Congress of his

intention to enter into such an agreement, transmits to Congress a copy of the agreement, a draft bill to implement the agreement, and other relevant information, and the implementing bill is enacted into law.

The Senate amendment also authorizes the President to recommend to Congress in any such implementing bill that the benefits and obligations of the nontariff barrier agreement be limited to the signatories to the agreement and that the agreement distinguish between the benefits and obligations applicable to different classes of signatories. Section 102 of the House bill set forth certain restrictions on converting, pursuant to a trade agreement entered into under section 102, nontariff barriers of the United States to tariff rates which afford substantially equivalent protection (such restrictions were considered necessary because of the one House disapproval procedures regarding nontariff barrier agreements contained in the House bill). The Senate amendment deleted these restrictions. Section 102(g) of the House bill included the American selling price basis of customs evaluation within the definition of barrier for purposes of the section. The Senate amendment included the House definition and defines "distortion" as including any subsidy and defines "international trade" as including trade in both goods and services. The House recedes with respect to Senate amendment No. 10 with amendments which (1) delete the provision under which the President, in addition to the general consultations required with respect to the effect of proposed amendments, must report to Congress with respect to each subject matter area of United States law affected by negotiations and must have further specific approval prior to entering into negotiations which affect specified areas (consumer protection, employee health and safety, labor standards, or environmental standards); and (2) deletes the requirement that an employment impact statement be submitted with each implementing bill.

Amendment No. 11: This Senate amendment adds to the bill a new section 103 which provides that the overall United States negotiating objective under sections 101 (basic trade agreement authority) and 102 (trade agreement authority regarding nontariff barriers) shall be to obtain more open and equitable market access and the harmonization, reduction, or elimination of devices which distort trade or commerce and further provides that, to the maximum extent feasible, the harmonization, reduction, or elimination of agricultural trade barriers and distortions shall be undertaken in conjunction with the harmonization, reduction, or elimination of international trade barriers and distortions. The House bill did not contain a similar provision. The House recedes.

Amendment No. 12: Senate amendment No. 12 adds a new section 104 to the bill which sets forth a sector negotiation objective for trade agreements entered into under sections 101 and 102 of the bill. Section 104 contains essentially the same provisions as section 102(c) of the House bill except that it applies the sector negotiating objective to agreements entered into under section 101 (basic trade agreement authority) as well as to nontariff barrier agreements, requires negotiations to be conducted on the basis of appropriate product sectors to the extent consistent with maximizing the overall economic benefit

to the United States, and requires the President, if he determines that competitive opportunities in any product sector will be significantly affected by a trade agreement, to submit to Congress an analysis of the extent to which the agreement achieves the objective with respect to that sector. The requirement for such an analysis is in lieu of the provisions in section 102(c) of the House bill which requires the President to include, when submitting a nontariff trade barrier agreement to Congress, a sector-by-sector analysis of the extent to which the negotiating objective has been achieved. The House recedes with an amendment, striking the phrase "and consistent with the provisions of section 103," (the overall negotiating objective).

Amendment No. 13: This amendment added a new section 105 to the bill which provides that if the President determines that bilateral trade agreements will effectively promote the economic growth of the United States, then a principal negotiating objective under sections 101 and 102 of the bill shall be to enter into bilateral trade agreements providing for mutually advantageous economic benefits. No similar provision was contained in the House bill. The House recedes with a clarifying amendment, deleting the word "principal" qualifying negotiating objective.

Amendment No. 14: This amendment sets forth as a principal United States negotiating objective under sections 101 and 102 the entering into of trade agreements which promote the economic growth of both developing countries and the United States and the mutual expansion of market opportunities. No similar provision was contained in the House bill. The House recedes with an amendment, deleting the word "principal" qualifying negotiating objective.

Amendment No. 15: This amendment provides that a principal negotiating objective under section 102 (trade agreement authority regarding nontariff barriers) shall be to obtain internationally-agreed-upon rules and procedures which shall permit the use of temporary measures to ease adjustments to changes occurring in competitive conditions in the domestic market of parties to an agreement which could result from the expansion of international trade. The amendment provides that any agreement entered into under section 102 may include "safeguard" provisions establishing procedures for:

- (1) notification of affected exporting countries,
- (2) international consultations,
- (3) international review of changes in trade flows,
- (4) such adjustments in trade flows which may be necessary to avoid injury,
- (5) international mediation of disputes,
- (6) appropriate hearings and other public procedures in which interested parties would have the right to participate, and
- (7) exclusion of parties from compensation, obligations, and retaliation under specified conditions.

The House bill did not contain similar provisions. The House recedes on the understanding that the criteria pursuant to which any import restrictions may be imposed under a safeguard arrangement must be submitted to the Congress for affirmative approval.

Amendment No. 16: This amendment adds a new section 108 to the House bill which provides that a principal United States negotiating

objective under section 102 of the bill shall be to enter into trade agreements with foreign countries and instrumentalities to assure the United States of fair and equitable access at reasonable prices to supplies of articles of commerce which are important to the economic requirements of the United States and for which the United States does not have, or cannot easily develop, the necessary domestic productive capacity to supply its own requirements. The House bill did not contain a similar provision. The House recedes.

Amendments Nos. 18 and 19: The House bill provided that tariff reductions proclaimed pursuant to a trade agreement could not be staged in less than 15 annual installments or by annual reductions of a maximum of 3 percent ad valorem, or one-fifteenth, whichever is greater; and that such staging limitations do not apply in cases where the total reduction of duty is 10 percent or less of the rate before reduction. Senate amendments Nos. 18 and 19 require that duty reductions be staged in equal installments over a period of ten years and in cases where duty reductions are less than 20 percent ad valorem, the duty may be reduced by a maximum of 2 percent ad valorem per year. Under the conference agreement, the 10-year staging limitation contained in the Senate amendment is adopted, but annual reductions of up to 3 percent ad valorem or one-tenth of the total, whichever is greater are authorized.

Amendments Nos. 30, 31, 32, 33, 34, 35, 36, 37, 39, 40, and 41: Section 121 of the House bill directed the President to take such action as may be necessary to bring trade agreements into conformity with principles of promoting the development of open, nondiscriminatory, and fair world economic systems, including the revision of decisionmaking procedures in the General Agreement or Tariffs and Trade (GATT); the revision of article XIX of GATT into a truly international safeguard mechanism; the extension of GATT articles to conditions of trade not presently covered; the adoption of international fair labor standards and of public petition and confrontation procedures in the GATT; the revision of GATT articles with respect to the treatment of border adjustments for internal taxes; and the revision of balance-of-payments provisions in the GATT. Senate amendments Nos. 30, 31, 32, 33, 34, 35, 36, and 37 added to the principles specified in the House provision the following additional trade principles:

- (1) access to supplies, including rules governing export controls, denial of supplies and consultations on supply shortages;
- (2) the extension of GATT to deal with countries which deny goods and thereby injure the international community;
- (3) any revisions necessary to establish regular consultations;
- (4) elimination of special reverse preferences;
- (5) flexible monetary mechanisms;
- (6) code on subsidies and foreign investment incentives;
- (7) agreements on extraterritorial application of national laws; and
- (8) revisions to establish within GATT an international agreement on footwear;

Senate amendment No. 39 added to section 121 a provision requiring the President, to the extent feasible, to enter into agreements with foreign countries to establish the principles set forth above with re-

spect to international trade between the United States and such countries. Senate amendment 40 provided that no agreements to implement the principles of section 121 shall take effect unless legislation implementing those principles is enacted by Congress. Senate amendment 41 added to the provision in the House bill authorizing appropriations for payment by the United States of its share of expenses to GATT a proviso that such authorization does not imply approval or disapproval by Congress of all articles of the GATT. The House recedes with respect to all the Senate amendments (with conforming and clarifying amendments in some cases) except amendments Nos. 34 (relating to flexible monetary mechanisms) and 36 (relating to the extra territorial application of national laws), from which the Senate recedes. Under the conference agreement the phrase "such as" was added before "footwear" in Senate amendment 37.

Amendments Nos. 42 and 43: Section 122(a) of the House bill provides authority for the President to take certain import restraining actions in order to deal with large and serious United States balance-of-payment deficits, to prevent depreciation of the dollar in foreign exchange markets, and to cooperate in correcting international balance-of-payments disequilibrium. Senate amendment No. 42 amended the House provision to require the President to take such action in order to deal with such deficit and extends the effective period of any presidential action to 180 days (150 days under the House bill) unless such period is extended by Act of Congress. Senate amendment No. 43 permits the President to refrain from taking action under section 122(a) if such action would be contrary to the national interest. The House recedes with an amendment providing for the 150-day effective period contained in the House bill.

Amendments Nos. 45 and 51: Section 122(b) of the House bill (redesignated as section 122(c) by the Senate) provides authority for the President to take certain action to increase imports in order to deal with large or persistent United States balance-of-payments surpluses or to prevent significant appreciation of the dollar in foreign exchange markets. Senate amendment No. 45 would change the House version of section 122(b) to authorize the President to deal with large and persistent balance-of-trade surpluses determined on the basis of cost-insurance-freight value of imports and Senate amendment No. 51 requires import liberalizing actions taken under section 122(b) to be of broad and uniform application with respect to product coverage. The House recedes.

Amendment No. 69: Section 123 of the House bill provided authority for the President to promulgate temporary reductions in duty and temporary increases in quantities of articles permitted to be imported for purposes of restraining inflation. Senate amendment No. 69 deleted this section from the bill. The House recedes.

Amendment No. 80: This amendment amends section 124 of the House bill (section 123 as redesignated by the Senate), which gives the President authority to compensate foreign countries for increases in United States tariffs or other import restrictions when the United States is obligated to pay such compensation for trade restrictions imposed pursuant to an import relief finding under section 203 of this bill. The Senate amendment prohibits the entering into any agreement

under section 123 with any foreign country if such country has violated trade concessions of benefit to the United States and such violation has not been adequately offset by action of the United States or by such country. The House recedes with an amendment making the application of the Senate amendment effective at the discretion of the President, rather than mandatory.

Amendment No. 91: This amendment adds to section 126 of the House bill (section 125 as redesignated by the Senate), which sets forth termination and withdrawal authority of the United States with respect to trade agreements, a new subsection (d) which requires the President to withdraw, suspend, or modify trade agreement concessions whenever a foreign country withdraws, suspends, or modifies the application of trade agreement obligations of benefit to the United States without granting adequate compensation. The House recedes with an amendment which makes action by the President under the Senate amendment discretionary rather than mandatory.

Amendments Nos. 104, 105, and 106: Senate amendment No. 104 amends section 127 of the House bill (section 126 as redesignated by the Senate), which applies the principle of nondiscriminatory treatment (most-favored nation principle) to all products of foreign countries to require the President to determine after conclusion of all negotiations entered into under the bill, or at the close of the 5-year period after its effective date (whichever is earlier) whether any major industrial country (defined by Senate amendment No. 106 to mean Canada, the European Economic Community, each nation in such Community, Japan, and any other country designated by the President) has failed to make concessions under trade agreements providing competitive opportunities for United States commerce in that country which are substantially equivalent to competitive opportunities provided by the United States under trade agreements for the commerce of such country in the United States. Senate amendment No. 105 provides that if the President determines that any major industrial country has not made such concessions, he shall (1) proclaim the termination of United States concessions, or refrain from proclaiming such concessions, with respect to that country or articles thereof; and (2) recommend to Congress that any legislation necessary to carry out a trade agreement relating to nontariff barriers shall not apply to such country. The House recedes with respect to Senate amendment No. 104 with an amendment restricting the President's determination of whether a major industrialized country has made concessions providing substantially equivalent competitive opportunities for the commerce of the United States to trade agreements entered into under this Act.

The House recedes with respect to Senate amendment No. 105 with an amendment which deletes the President's authority to proclaim the termination of, or to refrain from proclaiming, trade agreement benefits to foreign countries failing to make reciprocal concessions and provides that the President shall recommend to the Congress any legislation necessary to restore the balance of competitive opportunities; and recedes with respect to Senate amendment No. 106.

Amendment No. 109: This amendment amends section 232 of the Trade Expansion Act of 1962 to transfer to the Secretary of the

Treasury functions relating to investigations and determinations regarding whether articles are being imported in such quantities and under such circumstances so as to threaten to impair the national security. The amendment requires the Secretary of the Treasury to consult with the Secretaries of Defense and Commerce and other appropriate officers of the United States when making any such investigation. The Senate amendment further provides a procedure for holding public hearings incident to any such investigations (which must be completed within one year). The Secretary of the Treasury is required under the amendment to report his findings and recommendations resulting from any investigation to the President who may (unless he finds that the imports in question are not threatening the national security) take such action, and for such time, as he deems necessary, to adjust imports so as to prevent impairment of the national security. The House recedes.

Amendment No. 113: This amendment requires the Tariff Commission (redesignated as the International Trade Commission by the Senate) to provide the President with advice with respect to articles proposed to be included in any trade agreement proposed to be entered into under section 123 (124) of the bill (compensation authority) within 90 days after the date of receipt of the list of such articles by the Commission. Under the House bill, such advice is required to be submitted within 6 months after date of receipt. The House recedes.

Amendment No. 126: This amendment provides for the inclusion of representatives of small business, service industries and retailers on the Advisory Committee for Trade Negotiation.

The House recedes.

Amendment No. 128: This amendment authorizes the President, on his own initiative or at the request of interested persons, to establish general policy advisory committees for industry, labor, and agriculture to provide general policy advice on any trade agreement proposed to be entered into under section 101 or 102 of the bill. The amendment requires such committees to be representative of all industry, labor, or agricultural interests (including small business interests and to be organized by the President acting through the Special Representative for Trade Negotiations, and the Secretaries of Commerce, Labor, and Agriculture, as appropriate. The House recedes.

Amendment No. 135: This amendment provides that representatives from each committee established under section 135(c) of the bill (general policy advisory committees and industry, labor, and agricultural sector advisory committees) shall participate directly in any negotiation of any trade agreement under section 101 or 102 to the same extent as any representative of a comparable committee or sector participates in such negotiations on behalf of any foreign country. The Senate recedes, on the understanding that the negotiators shall inform the advisory committees of all relevant information during the negotiations. The conferees believe strongly that, to the extent consistent with the domestic laws, the private sector should fully contribute to the negotiation process.

Amendment No. 145: This amendment deleted a provision of the House bill stating that nothing in section 135 is intended to authorize direct participation by individuals in trade agreement negotiations.

The Senate recedes.

Amendment No. 136: This amendment requires the Advisory Committee for Trade Negotiations (established under section 135(b) of the bill) and each appropriate policy advisory committee and sector advisory committee to meet at the conclusion of each trade agreement entered into under this Act and to provide to the President, the Congress, and to the Special Representative for Trade Negotiations a report on the agreement. Each such report is required to include an advisory opinion as to whether and to what extent the agreement promotes the economic interests of the United States and each report by a sector advisory committee is required to include an advisory opinion as to whether the agreement provides for equity and reciprocity within the sector. The amendment further provides that the Advisory Committee and each policy advisory committee shall, as soon as practical after the close of the 5-year period after the effective date of the bill, submit to Congress a report including an advisory opinion as to whether and to what extent the trade agreements entered into under this Act, taken as a whole, serve the economic interests of the United States. Each sector advisory committee is required to submit to Congress, within the same time limitation, a report including an advisory opinion on the degree to which trade agreements entered into under this Act which affect the sector, taken as a whole, provide for equity and reciprocity within that sector. The House recedes.

Amendment No. 139: This amendment is a substitute for section 135(f) of the House bill which provided that information received in confidence by the Advisory Committee for Trade Negotiations or any advisory committee shall not be disclosed to other than Federal officers or employees designated by the Special Representation for Trade Negotiations or the Committees on Ways and Means and Finance to receive such information for use in connection with the negotiation of trade agreements. The Senate amendment provides that trade secrets and commercial or financial information submitted in confidence in connection with trade negotiations may not be disclosed for use in connection with such negotiations to other than Federal officers designated by the Special Representatives for Trade Negotiations, members of the Ways and Means and Finance Committees accredited as advisors under section 161(a) of the bill or designated by the chairman of either such committee under section 161(b), and staff members of either such committee designated by such chairman under section 161(b)(2). The Senate amendment further provides that (1) other private information submitted in confidence to Federal officers, the Advisory Committee for Trade Negotiations, policy advisory committees, and sector advisory committees may not be disclosed except to individuals authorized to receive trade secrets and commercial or financial information and to such Advisory Committee or committees, and (2) information submitted in confidence by Federal officers to such Advisory Committee or committees shall not be disclosed except in accordance with rules issued by the Special Representatives for Trade Negotiations and the Secretaries of Commerce, Labor, and Agriculture, as appropriate. The House recedes.

Amendment No. 150: This amendment provides that the Special Representative for Trade Negotiations shall be compensated at the rate provided for at Level I of the Executive Schedule, and that the

two Deputy Special Representatives for Trade Negotiations be compensated at the rate provided for at Level III of the Executive Schedule. Under the House bill, the Special Representative would receive the same compensation as a chief of mission. The House recedes.

Amendment No. 153: This amendment amends section 141 of the House bill (which establishes the Office of the Special Representatives for Trade Negotiations) to authorize the appropriation to such Office of such funds as may be necessary for the purpose of carrying out its functions for fiscal year 1976 and each fiscal year thereafter any part of which is within the 5-year period beginning on the date of the enactment of the bill. The House bill did not provide an authorization for the Office. The House recedes.

Amendments Nos. 159, 160, 161, and 162: Section 151 of the bill as passed by the House contained a procedure for congressional disapproval with respect to nontariff barrier trade agreements submitted to Congress, to escape clause actions to retaliation against unfair trade practices, and to extension or continuation of nondiscriminatory tariff treatment. Under this procedure, the President was to transmit a proclamation or agreement to the Congress, after 7 days it was in order to discharge the committee to which a resolution of disapproval had been referred, and, if either House approved the resolution of disapproval within a 90-day period, the agreement or proclamation was not to take effect.

The Senate amendments strike out section 151 of the House bill and insert new sections 151, 152, and 153. Under these amendments, a congressional approval procedure applies to all nontariff barrier trade agreements, to agreements establishing certain principles in international trade (including GATT revisions) which change federal law (including a material change in an administrative rule), and to bilateral trade agreements with nonmarket countries entered into after the date of the enactment of the bill. Under this procedure, an implementing bill or approval resolution is submitted by the President and introduced in each House (with no amendments permitted), time limits are established for committee consideration, and floor votes. If the bill is not enacted or the resolution is not approved as the case may be, the agreement or revision cannot enter into force.

Under the Senate amendments, provision is also made for two-House disapproval for Presidential import relief which differs from the Commission's recommendation, and for Presidential retaliation on an MFN basis against unjustifiable or unreasonable restrictions. Under these procedures, if both Houses do not adopt a concurrent resolution within the applicable time period, the Presidential action enters into force.

Finally, under the Senate amendments, a one-House disapproval procedure is established (1) for the determination of the Secretary of the Treasury not to apply countervailing duties during a 2-year discretionary period, (2) for extension of benefits under bilateral trade agreements with nonmarket countries entered into before the date of the enactment of the bill, (3) to all annual reviews of MFN treatment and government credits and guarantees to countries receiving benefits negotiated under title IV of the bill, and (4) to U.S. Government credits and investment guarantees extended after the date of the en-

actment of the bill. This one-House disapproval procedure is the same as the two-House procedure provided by the Senate amendments except that adoption by majority vote of those present and voting in *either* House is sufficient to prevent action. The House recedes with clarifying and conforming amendments.

Amendment No. 167: Section 161 of the bill as passed by the House provided for congressional delegates to international conferences, meetings, and negotiation sessions with respect to trade agreements. Five members were to be appointed by the Speaker from the Ways and Means Committee of the House, and five members of the Senate Finance Committee were to be appointed by the President pro tempore of the Senate.

Under the Senate amendment, the appointment of the House delegates by the Speaker is to be upon the recommendation of the chairman of the Ways and Means Committee, and the appointment of the Senate delegates is to be upon the recommendation of the chairman of the Senate Finance Committee.

In addition, the Senate amendment provides that the Special Representative for Trade Negotiations is to keep each official adviser currently informed, and that the chairmen of the Ways and Means and Finance Committees can designate additional members of their committees and staff members who will have access to the current information provided the official advisers. The House recedes.

Amendment No. 170: The bill as passed by the House contained a requirement (in section 162(a)) that, as soon as practicable after a trade agreement entered into under chapter 1 or under the compensation authority or the authority to renegotiate duties has entered into force with respect to the United States, the President is to transmit to each House a statement of his reasons for entering into the agreement. This amendment provides that this statement is to include an employment impact statement setting forth in detail job losses and gains which may be expected as a result of the trade agreement. The Senate recedes.

Amendment No. 172: The bill as passed by the House contained a requirement (in section 163(a)) that the President submit to the Congress an annual report on the trade agreements program and on import relief and adjustment assistance. Under this amendment, the annual report is to include additional specified information. The House recedes with an amendment which deletes from such additional specified information with respect to the estimated effect under the program on employment and consumers.

Amendment No. 174: This amendment adds a new chapter 7 (consisting of sections 171 through 175) to title I of the bill. Under this amendment:

- (1) the United States Tariff Commission is renamed as the "United States International Trade Commission",
- (2) the membership is increased from 6 to 7 commissioners (no more than 4 from the same political party),
- (3) the term of office of commissioner is increased from 6 to 14 years, with one term expiring every other year,

(4) an individual who has served for more than 7 years after the date of the enactment of the bill will be ineligible for reappointment,

(5) the chairman and vice chairman positions are to rotate, with assignment as such normally determined by seniority,

(6) the pay of the commissioners is up-graded,

(7) the voting record of the commissioners is to be published,

(8) the Commission is to be represented in court by its own attorneys or, at the request of the Commission, by the Attorney General of the United States, and

(9) the Commission is given an independent budget, and appropriations for the Commission for each fiscal year are authorized.

The House recedes with the following amendments:

(1) the Commission membership remains at six with an understanding that the commissioners shall, to the maximum extent feasible, avoid tie votes; (2) each Commissioner will serve for one 9-year term (rather than fourteen years). The House recedes from the Senate amendment with a modification to require the Commission Chairmanship to rotate every eighteen months, beginning June, 1975.

The House recedes from Senate amendment to upgrade Commissioners' pay and to require voting records to be published. The Conference agreement permits the Commission to represent itself in judicial proceedings relative to its own functions, whereas the Attorney General would represent the Commission in judicial proceedings involving matters of Presidential decision. The House recedes from the Senate amendment requiring the Commission's budget to be submitted directly to Congress, rather than through OMB, beginning in 1976, with approval of both the Senate Finance and House Committee on Ways and Means.

Amendments Nos. 180 and 181: Under section 201 of the House bill, the Tariff Commission, when investigating petitions for eligibility for import relief, must take into account all economic factors which it considers relevant, including, with respect to substantial cause of serious injury to domestic industry caused by imports, an increase in imports (either actual or relative to domestic production). Senate amendments Nos. 180 and 181 provide that with respect to substantial injury, the Commission shall take into account only an absolute increase in imports. The Senate recedes.

Amendment No. 185: Section 201(b) (3) of the House bill provides that in determining the domestic industry producing an article like or directly competitive with an imported article, the Tariff Commission may (1) in the case of a domestic producer which also imports, treat as part of such domestic industry only its domestic production, and (2) in the case of a domestic producer which produces more than one article, treat as part of such domestic industry only that portion or subdivision of the producer which produces the like or directly competitive article. The Senate amendment adds to the House language a third standard under which the Commission may, in the case of a domestic producer located in a major geographic area of the U.S.

and serving a market in that area, treat as part of such domestic industry only that segment of the producer which is located in the area. The House recedes with an amendment authorizing the Tariff Commission to treat as a domestic industry only the segment of the national production that is produced in a major geographic area if (1) the production in such area constitute a substantial portion of the national industry, (2) such producers serve primarily the market of such major geographic area and (3) imports are concentrated in such geographic area.

Amendment No. 191: This amendment amends the House provision which requires the Tariff Commission, if it finds serious injury or threat thereof to a domestic industry caused by an imported article, to include in its report thereon to the President its finding as to the amount of increase in, or imposition of, any duty or import restriction on such article which is necessary to prevent or remedy such injury. The Senate amendment further requires that if the Commission finds that adjustment assistance under chapters 2, 3, and 4 of title II of the bill can effectively remedy such injury, the Commission shall recommend the provision of such assistance in its report to the President. The House recedes.

Amendment No. 198: Section 202 of the House bill provided that the President, after receiving an affirmative finding of import injury from the Tariff Commission, shall evaluate the extent to which adjustment assistance has, or can be, made available to workers and firms in the injured domestic injury and may direct the Secretaries of Labor and Commerce to give expeditious consideration to petitions for adjustment assistance, and may provide import relief to the industry pursuant to section 203 of the bill. The House provision required the President to make a determination whether to provide such import relief within 60 days after receipt of the Commission's affirmative finding, and to notify Congress immediately if he determined not to provide such relief. The Senate amendment changes the House provision in that (1) if an affirmative injury finding is made by the Commission, the President is required to provide import relief, and (2) if the Commission recommends the provision of adjustment assistance along with its finding, the President is to direct the Secretaries of Commerce and Labor to give expeditious consideration to assistance petitions. The Senate amendment further requires the President, within 60 days after receiving an affirmative finding of injury (1) to determine what method and amount of import relief he will provide and whether he will direct expeditious consideration of adjustment assistance petitions (and publish in the Federal Register that he has made such determination); and (2) publish his order to the Secretaries of Labor and Commerce directing them to give such expeditious consideration, if the Tariff Commission recommends the provision of adjustment assistance.

The House recedes with an amendment under which, after receiving an affirmative determination of injury (or threat thereof) the President shall (in addition to recommending whatever adjustment assistance that he deems advisable):

- (1) provide import relief as recommended by the Commission;
- (2) provide such other import relief as he deems appropriate; provided however, if he determines it is not in the national economic interest, he may provide no import relief.

However, if the President does not provide any import relief (because he determines it is not in the national economic interest) or if he provides relief other than recommended by the Commission he must report his reasons to the Congress, and the Congress by an approval of a concurrent resolution under the procedures established by section 151 may provide import relief, as recommended by the Commission, or otherwise.

Amendments Nos. 202 and 206: The House bill permits the President, within 45 days after receiving an affirmative finding of injury by the Tariff Commission, to request additional information from the Commission. The Commission in not less than 30 days after such request (60 days in the case extensive additional information is requested) is required to furnish such information. Senate amendment No. 202 requires the President to request additional information within 15 days after receiving the finding and Senate amendment No. 206 deletes the additional 30 day period allowed under the House provision for Tariff Commission report in the case of extensive information. The House recedes with respect to amendment No. 202, the Senate recedes with respect to amendment No. 206.

Amendment No. 207: This amendment deletes from section 203 of the House bill the provision stating that, for purposes of providing import relief, the following methods shall be preferred to the methods listed below it:

- (1) Increases in, or imposition of, duties,
- (2) tariff rate quotas,
- (3) quantitative restrictions,
- (4) orderly marketing agreements.

This amendment further requires the President, if required under section 202(a) (1) to provide import relief, to take one or more of the relief actions set forth in section 203 of the House bill (redesignated section 203(a) by the Senate). The House recedes with an amendment.

Amendment No. 209: This amendment deletes section 203(c) of the House bill, which requires the President to report to Congress when he selects a method or methods of providing import relief (including a statement as to why he selected a method of relief over methods ranking higher in preference under section 203(a) of the House bill and over the provision of adjustment assistance), and provides instead that on the day the President proclaims import relief or announces his intention to negotiate orderly marketing agreements, he shall transmit to Congress a document setting forth the kind of action taken by him, and if such action differs from that recommended by the Tariff Commission in its affirmative finding, the reason for such difference.

Amendment No. 251: Under section 222 of the House bill, the Secretary of Labor shall certify groups of workers as eligible to apply for adjustment assistance if he determines, among other things, that increases of imports of articles like or directly competitive with articles

produced by the workers' firm contributed importantly to the total or partial separation of the workers from employment, or to an absolute decrease in sales or production of the firm. The Senate amendment requires the Secretary to find an absolute increase in such imports. The Senate recedes.

Amendment No. 252: This amendment, which adds a new paragraph to section 222 of the House bill, defines "contributed importantly" (as such term applies to the effect of imports on worker's employment or their firm's production and sales) as meaning a cause which is important but not necessarily more important than any other cause. This definition was not included in the House bill, but was set forth in the House report. The House recedes.

Amendments Nos. 253 and 254: Section 223(c) and (d) of the House bill requires the Secretary of Labor to promptly publish in the Federal Register (1) a summary of his determination made with respect to any petition for worker adjustment assistance, and (2) notice of his determination to terminate any certification of eligibility for assistance by workers. The Senate amendments require the Secretary to also publish at the same time his reasons for each such determination. The House recedes.

Amendment No. 262: Under section 232(a) of the House bill, the trade adjustment allowance payable to an adversely affected worker for a week of unemployment shall be (1) for any week in the first 26 weeks of such allowances 70 percent of his average weekly wage, and (2) any subsequent week of such allowances 65 percent of his average weekly wage. The Senate amendment provides that for any week of allowance, the allowance shall be 75 percent of his average weekly wage. Under both House and Senate versions, no weekly allowance may exceed the average weekly manufacturing wage and each weekly allowance is reduced by 50 percent of the amount of the remuneration for services performed by him during such week. The House recedes with an amendment providing that the allowance shall be 70 percent of the worker's average weekly wage for the entire 52 weeks of entitlement.

Amendment No. 264: Under section 232(e) of the House bill, whenever in any week of unemployment, the total amount payable to a worker as remuneration, unemployment compensation, training allowance, and trade readjustment exceeds (1) in the case of any week in the first 26 weeks of such allowances, 80 percent of his average weekly wage; or (2) in the case of any subsequent week, 75 percent of his average weekly wage, then the workers' trade readjustment allowance must be reduced by the amount of such excess. The Senate amendment eliminates the distinction between the first 26 weeks and subsequent weeks and provides that if the specified amounts payable to the worker exceed 80 percent of his average weekly wage for any week, the readjustment allowance for that week is reduced by the amount of the excess. Under both House and Senate versions, 130 percent of the average weekly manufacturing wage, if less than the percentage of the workers' average weekly wage which otherwise applies, is used for purposes of computing the reduction. The House recedes.

Amendment No. 265: This amendment eliminates the provision in the House bill which provides for Federal reimbursement to the

States for any unemployment insurance provided under State programs to workers who are eligible for adjustment assistance under the bill. Under the bill as amended by the Senate, Federal funding is provided only for that portion of a worker's adjustment benefits which exceed his entitlement under the State unemployment program. The House recedes.

Senate amendments Nos. 266 and 267: Section 233 of the House bill provides that payments of trade readjustment allowances may not be made to any worker for more than 52 weeks, except that payments may be made (1) for an additional 26 weeks to a worker to assist him to complete training, and (2) for an additional 13 weeks to a worker who attained age 60 on or before the date of his total or partial separation from employment. Senate amendment No. 266 would provide for payments for an additional 26 weeks in the case of workers age 60 and over; and Senate amendment No. 267 imposes a maximum limitation of 78 weeks of trade readjustment allowances for any worker. The House recedes.

Amendment No. 268: This amendment provides that no trade adjustment allowance may be paid to a worker for an additional week to assist him in completing training unless the worker makes application for a training program approved by the Secretary within the later of (1) 180 days after the end of the week of his most recent total or partial separation (as the case may be), or (2) the date of his first certification of eligibility to apply for adjustment assistance. The House recedes.

Senate amendments Nos. 270 and 271: Section 236 of the House bill authorized the Secretary of Labor to defray subsistence and transportation expenses for workers undergoing training at facilities not within commuting distance of the worker's residence. The House bill provided subsistence payments not exceeding \$5 per day and transportation expense payments not exceeding 10 cents per mile. Senate amendment No. 270 provides for subsistence payments not exceeding \$15 per day and Senate amendment No. 271 provides for transportation payments not exceeding 12 cents per mile. The House recedes.

Amendment No. 272: The House bill allows a displaced worker to apply for a job search allowance for up to one year after he becomes unemployed. The Senate amendment allows a worker who has been referred to training to apply for a job search allowance within a reasonable period of time after the conclusion of such training. The House recedes.

Amendment No. 273: The House bill requires workers seeking relocation allowances to apply for these allowances before the time in which the relocation move is made. The amendment permits applications for such allowances to be made within a reasonable time after the move has been completed. The Senate recedes.

Amendment No. 274: The House bill contains a provision which states that any determination by a cooperating State agency with respect to entitlement to payments of adjustment assistance allowances is subject to review in the same manner as are determinations under the State unemployment insurance law. The Senate amendment applies State review standards to all adjustment assistance program benefits. The House recedes.

Amendment No. 275: This amendment amends the Internal Revenue Code of 1954 in order to reduce by 15 percent the credits for State unemployment taxes which employers are allowed against their liability for Federal Unemployment Tax if the Secretary of Labor finds that the State has not entered into before July 1, 1975, or fulfilled its commitments under, a cooperative agreement with the Secretary for the administration of adjustment assistance benefits within such State. The House bill did not contain a similar provision. The House recedes.

Amendment No. 276: This amendment provides that final determinations as to entitlement to all adjustment assistance benefits (rather than to only allowance payments as in the House bill) made by the Secretary of Labor absent an agreement under section 239 with a State shall be judicially reviewable as provided in section 205(g) of the Social Security Act. The House recedes.

Amendment No. 281: This amendment authorizes the appropriation (for purposes of training under section 236 of the bill) \$50,000,000 for fiscal year 1975 and such sums as are necessary for the 5 succeeding fiscal years. No separate authorization for training was contained in the House bill. The House recedes with an amendment eliminating the specified \$50,000,000 limitation on appropriations for fiscal year 1975, and an amendment authorizing necessary appropriations for the 7 succeeding fiscal years after fiscal year 1975, thereby conforming the appropriation authorization to the conference agreement on the date of termination of all adjustment assistance programs.

Amendment No. 284: This amendment provides that weeks of unemployment beginning after the effective date of the worker's adjustment assistance chapter for which trade adjustment allowances were payable under the Trade Expansion Act of 1962 shall be deducted from the total number of weeks of unemployment for which the worker is eligible for allowances under such chapter. The House recedes.

Amendment No. 288: The amendment adds a new section to the bill which authorizes the Secretary of Labor to require by subpoena the attendance of witnesses and the production of evidence necessary for him to make determinations under the worker adjustment assistance chapter. U.S. district courts are authorized to issue orders requiring compliance with such subpoenas. The House recedes.

Amendment No. 289: This amendment adds a new section to the bill under which any worker or group of workers may receive judicial review in United States circuit courts of appeals of any final determination by the Secretary of Labor on the eligibility of workers to apply for adjustment assistance. The findings of the Secretary shall be conclusive if supported by substantial evidence. The House recedes with a clarifying amendment.

Amendment No. 320: This Senate amendment creates a new program of adjustment assistance for communities adversely affected by imports. A community, group of communities, or Governor of a State on behalf of a community or communities may file a petition with the Secretary of Commerce for certification of eligibility to apply for community adjustment assistance. The Secretary must certify a community eligible to apply if he determines: (a) a significant number or proportion of workers in the trade impacted area where

the community is located are or are threatened to become totally or partially unemployed; (b) sales and/or production of firms in the trade impacted area have decreased absolutely; and (c) increased import of articles like or directly competitive with those produced by the firms or the transfer of firms from the trade impacted area to foreign countries have contributed importantly to (a) and (b).

Benefits can be extended only if the Secretary approves the adjustment assistance plan. Adjustment assistance for qualified communities consists of:

All forms of assistance other than loan guarantees, as provided a redevelopment area under the Public Works and Economic Development Act of 1965 ("PWEDA") and loan guarantees with a termination date of September 30, 1982, as expressly provided in the Trade Act. Under the PWEDA the Secretary of Commerce is authorized to provide assistance to attract new investment and to create additional long term employment opportunities in the area in the form of:

(1) direct grants for acquisition and development of land and improvements for public works, public service, or development facilities, including authority for additional grants to areas of substantial unemployment;

(2) loans to purchase land and facilities for such purposes as constructing, modernizing, and expanding plant facilities; and

(3) technical assistance which would be useful in alleviating or preventing excessive unemployment or underemployment.

Loan guarantees for working capital and for the acquisition or improvement of plant facilities may be made to private borrowers by private lending institutions are subject to the same terms and conditions as under the Public Works and Economic Development Act of 1965,

The Senate amendment imposed two major conditions upon applicants for loan guarantees: first that officials of the state or locality or both pledge such portion of a future revenue sharing entitlement as necessary to cover fifty percent of any deficiency arising from a default, and second, in the case of corporations, that an amount of stock equal to twenty-five percent of the amount guaranteed be paid by the lender into a trust which is part of an employee stock ownership plan established and maintained solely by the corporation. The House bill contained no such provisions. The House recedes with the following amendments:

First, delete the word "absolute" so as to permit the Secretary to issue certifications whenever he determines that increases of imports, whether absolute or relative, have contributed importantly to the total or partial separation of workers and to the decline in sales or production, of firms, or threat thereof, in the affected area.

Second, extend the expiration on date of the community program from September 30, 1980, to September 30, 1982.

Third, in place of the Senate bill's provisions on joint liability for loan guarantees provide that the Governor of the State, the authorized representative of the community, or both, in which an applicant

for a loan guarantee is located *may* enter into an agreement providing that such State or community or both will pay one half of the amount of any liability arising from the loan guarantee, if the State in which the applicant has established by law a program approved by the Secretary for such purpose. It is the understanding of the managers that an amendment to the State and Local Fiscal Assistance Act of 1972 to include such a use of funds among the enumerated purposes for which funds may be applied under that Act will be considered in 1977 when that legislation is considered for renewal.

Fourth, provide that when considering loan guarantees for qualified corporations, the Secretary shall give preference to corporations which have, or undertake to establish a qualified employee stock ownership plan established and maintained solely by the corporation.

Amendment No. 322: This Senate amendment requires the Comptroller General to conduct a study, assisted by the Departments of Labor and Commerce, of the worker, firm and community adjustment assistance programs. The study by the General Accounting Office, among other things, will evaluate: (1) the effectiveness of the programs in aiding adjustment to import competition and, (2) the coordination of the administration of the programs with other government programs providing unemployment compensation and relief to depressed areas. The report is to be submitted to the Congress by January 30, 1979. The House bill contained no similar provision. The House recedes with an amendment requiring that the report be submitted to the Congress no later than January 31, 1980, instead of January 30, 1979.

Amendment No. 323: This Senate amendment replaces a comparable provision contained in the House bill. An Adjustment Assistance Coordinating Committee is created to consist of a Deputy Special Trade Representative, as Chairman, and officials charged with adjustment assistance responsibilities of the Departments of Labor and Commerce and the Small Business Administration. The Committee is charged with the coordination of the adjustment assistance policies, studies, and programs of the various agencies involved and to promote the efficient and effective delivery of adjustment assistance benefits. The House recedes.

Amendment No. 324: This Senate amendment directs the Secretaries of Commerce and Labor to establish and maintain a program to monitor imports of articles which will reflect changes in the volume of such imports, the relation of such imports to changes in relevant domestic production and employment, and the extent to which such changes in production and employment are concentrated in specific geographic regions of the country. A second provision added by the Senate required the Secretaries to gather additional information concerning the international operations of multinational corporations doing business in the United States. The information would cover direct investment by any such corporation in each foreign affiliate, gross sales, employment data, etc. The information gathered under this provision is to be published regularly. The House bill contained no such provisions. The House recedes with an amendment deleting the provision relating to information concerning the international operations of multinational corporations. It is the understanding of the managers that

nothing in the remaining provision will be construed to require the tracing of articles imported into the United States to their points of sale in specific regions or areas of the country.

Amendment No. 325: This Senate amendment required that every firm, prior to moving production facilities abroad, should: (1) give at least 60 days advance notice to its employees who are likely to become totally or partially unemployed; (2) at the same time give the Secretaries of Labor and Commerce notice of the move; (3) apply for and use all adjustment assistance for which it is eligible; (4) offer employment opportunities, if any exist, to its affected employees; and (5) assist in relocating employees where employment opportunities exist. The House bill contained no such provision. The House recedes with an amendment requiring that items 3, 4, and 5, above, be stated as being the sense of the Congress.

Amendment No. 326: This Senate amendment provides that the worker, firm, and community adjustment assistance provisions of title II of the Senate bill will become effective on the 90th day after the date of enactment of this Act. Such provisions are to terminate on September 30, 1982.

Amendment No. 329: Section 301(a)(4) of the Senate bill adds a provision to bases for retaliation, explicitly applying the discretionary retaliation authority to unjustifiable or unreasonable restrictions on access to supplies which burden or restrict U.S. commerce. The House bill did not contain a similar provision. The House recedes.

Amendment No. 330: The Senate bill extends retaliatory measures to include imposition of fees or restrictions on foreign services, as well as imposition of duties or other import restrictions on foreign goods. The House bill did not contain a similar provision. The House recedes.

Amendment No. 331: Section 301(a) of the Senate bill explicitly defines "commerce" to include services for purposes of the retaliation authority. The House bill did not contain a similar provision. The House recedes.

Amendment No. 332: Section 301(b) of the House bill required the President to consider U.S. international obligations when determining what actions to take under section 301. The Senate bill deleted this requirement. The House bill permitted actions against unjustifiable foreign practices to be taken on a MFN or selective basis. Actions against unreasonable foreign practices were to be on a selective basis. The Senate bill removes the distinction between unreasonable and unjustifiable practices, and authorized action on an MFN or selective basis in all cases. However, actions by the President would be subject to Congressional veto by a concurrent resolution of disapproval under section 302 if the action is MFN rather than only against the country involved. The House recedes.

Amendment No. 334: The Senate bill adds a requirement, in addition to the provision in the House bill providing an opportunity for interested parties to present views, that the Special Trade Representative review complaints, publish them in the *Federal Register*, and hold public hearings upon request of the complainant on the alleged foreign restrictions. Also, the Special Trade Representative must submit a semiannual report to the Congress summarizing the reviews and hear-

ings it has conducted during the preceding 6-month period. The House recedes.

Amendment No. 335: Section 301(e) of the House bill contained a provision requiring the President to provide an opportunity for the presentation of views and public hearings prior to the taking of action under Section 301. The Senate bill would also permit such presentation of views and hearings to take place promptly after the action, if the President determines that holding them prior to taking action would be contrary to the national interest because expeditious action is needed. The House recedes.

Amendment Nos. 336-337: The House bill provided for a one-House veto of any action under 301. The Senate bill provides for a two-House veto of any action taken by the President on an MFN basis. Following the adoption of such a two-House resolution of disapproval, such action would remain in effect only with respect to the country(ies) whose practice was the cause for taking action under Section 301. The House recedes.

Amendment No. 338: Section 321(a) of the House bill required that a preliminary dumping determination be made by the Secretary of the Treasury within six months after the question of dumping was presented to him. In more complicated investigations such determinations could have been made within nine months after such question was presented. The Senate bill permits the period for the preliminary determination to be extended to nine months only after the Secretary of the Treasury concludes that such determination can not be reasonably made in six months and publishes a notice in the Federal Register with a statement of his reasons for such determination.

The Senate bill requires the Secretary to make a final dumping determination within three months after a preliminary determination, whether such preliminary determination was affirmative or negative. The House bill contained no similar provision.

The Senate bill requires the Secretary to determine whether or not to initiate an investigation within thirty days of the receipt of information alleging dumping. The Secretary would publish an affirmative determination to initiate an investigation in the Federal Register and the time limits in the Senate bill would provide from the date of such publication. The time limits in the House bill proceeded from the date on which the question of dumping was deemed to be presented to the Secretary.

Section 321(a) of the Senate bill provides that if, during the thirty day period of his determination whether or not to initiate an investigation, the Secretary of the Treasury concludes there is substantial doubt as to whether a domestic industry is being or is likely to be injured, he must give his reasons for such determination and any preliminary information available to him to the Tariff Commission. If the Commission determines within thirty days of receipt of the reasons and information that there is no reasonable indication of injury to an industry, it will advise the Secretary and any investigation will terminate. Otherwise, the investigation of the Secretary would continue. The House bill did not contain a similar provision.

Under the House bill, foreign manufacturers, exporters, and domestic importers had an automatic right to appear at hearings re-

quired to be conducted by the Secretary and the Commission. The Senate bill would amend Section 201(d)(1) of the Antidumping Act to extend the automatic hearing rights to include U.S. manufacturers, producers, or wholesalers of merchandise of the same class or kind, as well as foreign manufacturers, exporters and domestic importers of such merchandise. Under the Senate bill hearings would be held only at the request of one of the above interested parties.

The Senate bill adds the explicit qualification to the determination procedure that preserves any confidential treatment granted by the Secretary or the Commission during the course of the determination. The House bill did not contain a similar provision.

The House recedes with the understanding that the Secretary of the Treasury is not precluded from issuing an affirmative preliminary determination and withholding of appraisement, following the issuance of a preliminary negative determination. However, the Secretary must issue his final determination within three months of his first preliminary determination under the Antidumping Act.

Amendment No. 343: The Senate bill adds a new subsection 205(d) to the Antidumping Act which authorizes the Secretary of the Treasury to impose dumping duties when a multinational corporation operating in several foreign countries supports low-priced exports to the United States through high-priced sales by other subsidiaries located in protected markets. More specifically, when the Secretary determines that:

(1) merchandise exported to the United States is produced in facilities owned or controlled by person, firm or corporation which also owns or controls facilities producing similar merchandise in other countries;

(2) sales in the home market of the country exporting to the U.S. are nonexistent or inadequate as a basis for comparison with sales of such or similar merchandise in the United States; and

(3) sales of like or similar merchandise made in one or more of the other countries are at prices substantially higher than the prices charged for goods produced in the exporting country;

the Secretary *may* determine the foreign market value by looking at the higher prices (adjusted for differences in cost of production and costs incident to packing) at which such like or similar goods are sold in substantial quantities by one or more of such other foreign facilities located outside the exporting country. The dumping duty could then be assessed in the amount equal to the difference between the purchase price in the United States (or the exporter's sale price) and the higher foreign market value of the goods not actually exported to the United States. The House bill did not contain a similar provision. The House recedes with an amendment making the Senate provision mandatory. Thus, the "*may*" in italics above is changed to *shall*.

Amendment No. 346: The Senate bill added an amendment to Section 481 of the Tariff Act to direct the Secretary of the Treasury to require that certified import invoices, other than for special transactions, include data on: (1) all rebates, drawbacks, and bounties and grants on the merchandise; and (2) the unit price of the same or similar merchandise in the home market of the country of exports.

The information would not be required if the customs officer determined it is currently available. The provision would apply to goods imported on or after the 90th day after enactment of the Act. The House bill did not contain a similar provision. The Senate recedes.

Amendment No. 347: The Senate bill adds a new section 516(d) to the Tariff Act to provide domestic manufacturers, producers, or wholesalers the right of judicial review in the U.S. Customs Court of negative dumping and countervailing duty determinations. The written notice of desire to contest must be filed with the Secretary of the Treasury within 30 days after the determination. This provision will apply to dumping and countervailing duty complaints made on or after enactment of the Trade Act. Under existing law importers and foreign producers are entitled to judicial review. Further, with respect to an antidumping proceeding or countervailing duty proceeding, upon summons, the Secretary is required to furnish the Customs Court with certified copies of the transcript of all hearings, and all notices, determinations or other matters published in the Federal Register in connection with a particular antidumping or countervailing duty proceeding. The House bill did not contain a similar provision. The House recedes.

Amendment No. 353-4: Section 331 of the Senate bill contains a provision for a countervailing duty investigation to be initiated by the filing of a petition by any person setting forth his reasons for believing a bounty or grant exists, as well as at the initiative of the Secretary, which was required in the House bill. In both bills, there must be Federal Register notice of the initiation of the investigation.

The Senate bill adds a 6-month time limit for a preliminary determination and retains the House 12-month limit for a final determination. In the Senate bill, the time limit begins on the date the petition is filed or the initiation notice is published, rather than from the date the question is presented to the Secretary, as under the House bill. The Senate bill requires that countervailing duties be imposed as of the publication date of the final determination. The House bill provided that such orders would apply 30 days after publication in the Federal Register.

The Senate bill adds to the House bill's extension of the injury test to duty-free imports a change in the suspension of liquidation provision, i.e., provides for suspension in the event the Secretary determines a bounty or grant exists with respect to nondutiable imports so as to require the same effective date for imposition of countervailing duties regardless of whether the merchandise in question is dutiable. Liquidation would be suspended immediately under the Senate bill, rather than 30 days after publication of the determination, as under the House bill.

The Senate bill deletes the provision in the House bill that the imposition of a countervailing duty shall not be required on any article subject to quantitative limitations where such limitations are determined to be an adequate substitute for a countervailing duty.

The Senate bill replaces the temporary waiver provision in the House bill, applicable while negotiations are in progress, with a new discretionary provision adding an explicit Congressional mandate for the President to negotiate internationally-agreed rules and procedures

governing the use of subsidies and other export incentives, and the application of countervailing duties. The Senate bill deletes the one-year carve-out in the House bill for cases where an article is produced in facilities owned or controlled by a developed country, which are subsidized. Discretion under the Senate bill in the imposition of countervailing duties is permitted during the *two* year, rather than the *four* year period, following enactment under the House bill if the Secretary determines, after seeking advice from appropriate agencies that:

- (1) adequate steps have been taken to eliminate or substantially reduce the adverse effect of the bounty or grant;
- (2) there is a reasonable prospect that successful trade agreements under Section 102 will be entered into; and
- (3) the imposition of countervailing duties would be likely to seriously jeopardize negotiations.

The Senate bill prohibits the waiver of otherwise mandated countervailing duties in cases involving import-sensitive items such as footwear. The House bill did not contain a similar provision.

The House bill requires only that the third condition exist for the Secretary to be able to exercise the waiver, whereas the Senate version permits the waiver only if *all* of the three conditions exist. Under the Senate, the Secretary may revoke his determination at any time, and must revoke it if a basis supporting such waiver no longer exists.

The Senate bill requires the Secretary of the Treasury to promptly report his determination not to impose duties and reasons therefor to both Houses of Congress. Countervailing duties will be imposed if a majority of those present and voting of either House adopts at any time a disapproval resolution under Section 152 procedures. The House bill did not contain a similar provision.

The House recedes with amendments. The discretion of the Secretary of the Treasury to waive countervailing duties under the conditions specified in the Senate provision are to be effective for a four year period following date of enactment. The prohibition against the application of the waiver will apply only with respect to nonrubber footwear imports. It is the understanding of the conferees that the requirement concerning the elimination or reduction of adverse effects in the waiver provision is not to be construed as the intent of Congress that this language inject an injury concept into countervailing duty cases regarding durable goods, nor that the President negotiate, in every case, orderly marketing agreements with countries who are subsidizing exports to the United States in order to avoid the imposition of countervailing duties through use of such waiver.

Amendment No. 368: This Senate amendment amends section 515 (d) of the Tariff Act of 1930 by inserting before the period at the end thereof the phrase "or the imposition of countervailing duties under Section 303." The House did not contain a similar provision. The House recedes.

Amendment No. 369: Section 321(d) of the Senate bill provides that for purposes of applying the provisions of Section 303(a)(4) (time limits on preliminary and final determinations) with respect to any countervailing duty investigation initiated before the date of enactment, such investigation shall be considered initiated on the day after such date of enactment. The amendment further provided that Secre-

tary's final determination on all countervailing complaints filed more than six months before enactment will be reached within six months after enactment. The House recedes with respect to the first provision relating to Section 303(a) (4) of the Tariff Act of 1930 (as amended). The Senate recedes with respect to the second provision relating to complaints filed more than six months before enactment, with the understanding that Section 321(d) of the Senate bill is adequate to subject pending complaints to the time limits of the countervailing duty statutes, as now amended.

Amendment No. 370: This Senate amendment extensively revises Section 337 of the Tariff Act of 1930, relating to unfair import practices, so as to vest solely in the International Trade Commission (subject to Presidential intervention for policy reasons only) final authority to exclude articles concerned in all unfair methods of import competition under Section 337, and to make other changes relating to the disposition of such cases. The House recedes with one amendment, striking the Senate provision requiring the International Trade Commission to consider, in cases based upon claims of U.S. letters patents, price gouging.

Amendment No. 375: This amendment adds to section 402 of the House bill (relating to freedom of emigration in East-West trade) a new subsection (c) which authorizes the President to waive the freedom of emigration requirements in such section for a period of 18 months after the date of the enactment of the bill for any nonmarket country if he reports to Congress that the waiver will substantially promote the freedom of emigration objectives of the section and that he has received assurances that the emigration practices of that country will substantially lead to the achievement of the objectives of such section. The amendment further authorizes the President to extend the waiver at the end of the 18-month period, and every year thereafter, subject to an affirmative approval and thereafter congressional veto requirement. The House recedes.

Amendment No. 378: This amendment adds a new section 403 to the bill which provides that no nonmarket economy country may receive nondiscriminatory treatment or participate in a program under which the U.S. extends credit, credit guarantees, or investment guarantees, and no commercial agreement between the U.S. and any such country may enter into effect, during any period in which the President determines that such country is not cooperating with the U.S. to account for all U.S. personnel missing in action in Southeast Asia, to repatriate such personnel who are alive, and to return the remains of such personnel who are dead. The amendment further provides that any such country may receive such treatment and participate in such program, and that any such agreement shall enter into effect, if the President submits a report to Congress indicating that such country is so cooperating. Such report must include information on the nature of the cooperating and semiannual reports on the degree of cooperation by that country is required for so long as the nondiscriminatory treatment and credit or guarantees, or any such agreement, is in effect. The amendment does not apply to countries eligible for column 1 tariff treatment. The House recedes with an amendment which authorizes the President to deny the extension of most favored

nation treatment, credits and guarantees, to countries which he determines are not cooperating with the United States in achieving the objectives of the Senate amendment. The President's reports to Congress would relate generally to compliance of countries involved in the MIA problem.

Amendment No. 380: Subsection (a) of section 403 of the House bill (section 404 as redesignated by the Senate) stated that the President may by proclamation extend nondiscriminatory treatment to products of a foreign country which has entered into a bilateral commercial agreement or is party to an appropriate multilateral trade agreement to which the U.S. is a party. The Senate amendment replaces the House provision with language stating that the President may only extend nondiscriminatory treatment to a country which has entered into a bilateral agreement with the U.S. The House recedes.

Amendment No. 385: This amendment provides that any bilateral commercial agreement entered into by the President may be renewed if during the life of the agreement a satisfactory balance of concessions in trade and services (balance of trade concessions under the House version) was maintained. The House recedes.

Amendment No. 387: This amendment amends section 405 of the House bill (relating to the authority of the President to enter into bilateral commercial agreements providing nondiscriminatory treatment to products of countries heretofore denied such treatment) to require that any such agreement—

- (1) include safeguard arrangements providing for prompt consultations when actual or prospective imports cause, threaten, or significantly contribute to market disruption, and the imposition of import restrictions appropriate to prevent such disruption (a more detailed statement of such arrangements than provided for in the House bill);

- (2) if the party to the agreement is not a party to such Convention, provide rights for United States nationals with respect to patents and trade marks not less than the rights specified under the Paris Convention for the Protection of Industrial Property;

- (3) if the party to the agreement is not a party to such Convention, provide rights for United States nationals with respect to copyrights not less than the rights specified under the Universal Copyright Convention;

- (4) contain arrangements to protect industrial rights and processes (and such arrangements shall apply only to agreements entered into and renewed after the date of enactment of the bill);

- (5) contain arrangements for trade promotion; and

- (6) contain other commercial arrangements necessary to promote the purposes of the bill.

The rights and arrangements required under paragraphs (2), (3), (4), (5), and (6) were discretionary under the House bill. The Senate amendment further requires that no bilateral commercial agreement, nor any proclamation extending nondiscriminatory treatment, shall be effective unless approved by Congress by concurrent resolution under the procedures in section 151 of the bill and provided that any such agreement entered into before the date of enactment of the bill, and any proclamation implementing any such agreement, may enter

into effect subject to the disapproval of either House of Congress under the procedure contained in section 152. The House recedes.

Amendment No. 389: This amendment substantially revises section 405 of the House bill (section 406 as redesignated by the Senate) under which petitions may be filed with the International Trade Commission regarding products of countries receiving nondiscriminatory treatment under title IV of the bill to determine whether such products are causing market disruption and material injury to U.S. industries producing like or directly competitive articles. Under the Senate amendment—

(1) the Commission must determine whether market disruption exists with respect to an article produced by a domestic industry;

(2) market disruption is found to exist within a domestic industry whenever an article is being or is likely to be imported into the United States in such increased quantities as to be a significant cause of material injury or threat thereof to such industry (under the House language disruption exists whenever imports of a like or directly competitive article are substantial, are increasing rapidly both absolutely and relative to total domestic consumption, and are offered at prices substantially below those of comparable domestic article);

(3) disruption determinations are made with respect to the products of any country dominated or controlled by Communism rather than, as under the House version, only countries to which nondiscriminatory treatment has been extended under title IV;

(4) certain procedural and hearing requirements applicable to import relief determination under title II are made applicable;

(5) reduces the time limit for market disruption investigations from six months to three months;

(6) prohibits the Commission from recommending adjustment assistance in such cases;

(7) requires the President to impose import relief after an affirmative finding of market disruption;

(8) prohibits the President from applying import relief measures to imports other than those from the particular country involved in the affirmative determination;

(9) requires the President to initiate an investigation if he finds reasonable grounds that market disruption exists;

(10) authorizes the President to take emergency relief action under section 201 and 203; and

(11) provides that petitions may be filed with the Special Representative for Trade Negotiations requesting that consultations provided for under safeguard arrangements contained in bilateral agreements with Communist countries be initiated.

The House recedes with amendments which (1) provide that petitions requesting consultations under safeguard arrangements be submitted to the President rather than to the Special Trade Representative, and (2) to redefine market disruption to exist whenever imports of a like or directly competitive article are increasing rapidly both absolutely and as a proportion of total domestic consumption, and

such imports are causing or are likely to cause material injury to a domestic industry. The conferees understand that foreign entities would not be eligible to petition for relief under either section 201 or section 406.

Amendments Nos. 393 and 394: These amendments revise the procedures relating to the submission of required documents for, and the effect of, Congressional action on the approval or disapproval of extension of nondiscriminatory treatment to nonmarket economy countries. Under the House bill, Congress could disapprove the extension of nondiscriminatory treatment to a nonmarket economy country. The Senate bill revised the House provisions (1) to require affirmative Congressional approval of any bilateral agreement under section 406 and a proclamation extending MFN treatment if the agreement was entered into after enactment of this Act; (2) to provide for Congressional disapproval of the agreement and implementing proclamation with a nonmarket economy country if the agreement was entered into before enactment of this Act; and (3) to provide for Congressional disapproval of reports submitted under title IV, which disapproval would deny continuation of MFN treatment, deny further participation in United States credit, or guarantee programs and preclude conclusion of a bilateral agreement under section 406.

Amendments Nos. 396 and 397: Amendment No. 396 adds a new section 408 to the bill which provides that (1) Czechoslovakia may not receive nondiscriminatory treatment or participants in any Federal programs extending credit or credit guarantees or investment guarantees, and (2) the United States may not consent to the release to Czechoslovakia of any gold belonging to that country and controlled by the United States pursuant to the Paris Reparations Agreement of January 24, 1946; until the government of Czechoslovakia pays a principal amount it owes to United States citizens under awards rendered against that country by the Foreign Claims Settlement Commission. Amendment No. 397 provides that if Czechoslovakia continues to fail to pay such awards, the United States District Court for the District of Columbia shall have jurisdiction to determine whether Czechoslovakia owns the gold which is controlled by the United States and, upon such finding, issue orders and judgments resulting in the payment of the claims of United States citizens against Czechoslovakia, with any balance remaining to be paid to that country. Under the conference agreement, any bilateral agreement with Czechoslovakia extending most favored nation treatment must include a renegotiation of the claims settlement. However, a more equitable claims settlement may be renegotiated prior to submission of a commercial agreement. The conferees intend that there be a speedy renegotiation of a claims settlement by individuals other than those who negotiated the unreasonable first tentative agreement. No further government credits may be extended to Czechoslovakia until the claims settlement is renegotiated and approved by Congress.

Also, the United States shall not release any gold to Czechoslovakia until the claims settlement is approved.

Amendment No. 398: This amendment adds a new section 409 to the bill which provides that no nonmarket economy country may receive nondiscriminatory treatment or participate in a program under which

the U.S. extends credit, credit guarantees, or investment guarantees, and no commercial agreement between the U.S. and any such country may be concluded, during any period in which the President determines that such country has failed to enter into an agreement with the U.S. providing for a mutual exchange of information on production, consumption, and demand of major agricultural commodities, or after entering into such an agreement fails to fulfill it. The amendment further provides that any such country may receive such treatment and participate in such program, and that any such agreement shall enter into effect, if the President submits a report to Congress indicating that such country has entered into, and is fulfilling, such an agreement. The amendments does not apply to countries currently eligible for column 1 tariff treatment. The House recedes with an amendment which makes the application of the prohibition in this section discretionary on the part of the President. The Senate recedes, but it is the intent of the Conferees that the President must determine that there has been compliance with the intent of the Senate amendment on the part of any foreign country before any bilateral commercial agreement entered into under the authority of section 405 of the bill including the extension of most favored nation treatment with that country is renewed. Under the bill, all bilateral commercial agreements must be renewed every three years.

Amendments Nos. 399 and 400: Amendment No. 399 added a new section 411 to the bill to prohibit the extension of nondiscriminatory treatment and credits, and the concluding of any commercial agreement, with any nonmarket economy country during any period in which the President finds that such country denies its citizens freedom to emigrate to join any close relative living in the United States, or takes other action to dissuade such emigration. Amendment No. 399 added a new section 410 to the bill the intent of which was to provide that during any period in which a waiver is in effect for any country under section 402(c) of the bill (waiver of prohibition against non-market countries which restrict emigration in East-West trade) such waiver shall also apply to that country for purposes of section 411. The House recedes with amendments (1) making conforming amendments necessary to apply the waiver provisions of section 410 to 411, and (2) exempting countries entitled to column 1 tariff treatment on the date of the enactment of the bill from the application of section 411. By including section 411, as amended, in the bill, the Conferees intend to underscore the high importance attached to the right and opportunity to emigrate for the purpose of reuniting close relatives with their families in the United States. The Conferees, however, do not intend to change or affect in any way the provisions of the "Jackson-Vanik amendment, which also deals with freedom of emigration, or to imply that any additional requirements are inserted. Indeed, the purpose of the Conferee's modifications is to bring the coverage of this amendment into complete harmony with the "Jackson-Vanik amendment." The amendment, as amended, accordingly will not substantively go beyond the coverage of the Jackson-Vanik amendment, but the Conferees recommend its inclusion as a means of emphasizing this particular aspect of the general area covered by the Jackson-Vanik amendment.

Amendment No. 401: This amendment adds a new section 412 to the bill requiring the International Trade Commission to establish and maintain a program to monitor imports and exports between the U.S. and nonmarket economy countries. The Commission is required to publish a summary of data collected under the program not less than one each calendar quarter and transmit such publication to Congress. The House recedes with a conforming amendment.

Amendment No. 402: This amendment adds a new section 413 to the bill which establishes within the Executive Branch an East-West Foreign Trade Board to coordinate and oversee the orderly development of trade with nonmarket countries. The Board would be empowered to review East-West transactions involving U.S. Government credits or investment guarantees in excess of \$5 million or involving the transfer of technology deemed vital to the U.S. national interest and persons contemplating such transactions would be required to file reports with the Board not less than 90 days before entering into the agreement. The amendment requires the Board to make a determination that any such transaction is in the national interest. Transactions involving more than \$50 million which are determined by the Board to be in the national interest would be made subject to Congressional veto under section 152. The Board generally would be charged with oversight and review of U.S. relations with Communist countries. The House recedes with the following amendment.

Sec. 411. East-West Foreign Trade Board.

(a) *The President shall establish an East-West Foreign Trade Board (hereinafter referred to as the "Board") to monitor trade between persons and agencies of the United States Government and nonmarket economy countries or instrumentalities of such countries to insure that such trade will be in the national interest of the United States.*

(b)(1) *Any person who exports technology vital to the national interest of the United States to a nonmarket economy country or an instrumentality of such country, and any agency of the United States which provides credits, guarantees or insurance to such country or such instrumentality in an amount in excess of \$5,000,000 during any calendar year, shall file a report with the Board in such form and manner as the Board requires which describes the nature and terms of such export or such provision.*

(2) *For purposes of paragraph (1), if the total amount of credits, guarantees and insurance which an agency of the United States provides to all nonmarket economy countries and the instrumentalities of such countries exceeds \$5,000,000 during a calendar year, then all subsequent provisions of credits, guarantees or insurance in any amount, during such year shall be reported to the Board under the provisions of paragraph (1).*

(c) *The Board shall submit to Congress a quarterly report on trade between the United States and nonmarket economy countries and instrumentalities of such countries. Such report shall include a review of the status of negotiations of bilateral trade agreements between the United States and such countries under this title, the activities of joint trade commissions created pursuant to such agreements,*

the resolution of commercial disputes between the United States and such countries, any exports from such countries which have caused disruption of United States markets, and recommendations for the promotion of east-west trade in the national interest of the United States.

And the Senate agree to the same.

Amendment No. 406: This Senate amendment provides that, for purposes of generalized preferences, those members of an association of countries which constitute a free trade or customs union and which are not otherwise ineligible for designation as beneficiary developing countries may be treated as one country. "Country" is defined to also include any overseas dependent territory or possession of a foreign country, or the Trust Territory of the Pacific Islands. The comparable provision of the House bill provides that any association of countries for trade purposes, no member of which is otherwise barred from designation as a beneficiary developing country, could be treated as one country for purposes of GSP. The House provision also includes within the definition of country any insular possession of the United States. Senate amendment numbered 409 assures insular possessions no less favorable treatment than that afforded articles imported from beneficiary countries.

The House recedes.

Amendment No. 407: Section 502(b) of the House bill lists 26 countries which were expressly ineligible for designation as beneficiary developing countries, and in addition, expressly excluded countries which do not receive most-favored-nation treatment and countries which afford other developed countries reverse preferences, unless the President was assured to his satisfaction that such preferences would be eliminated before January 1, 1976. The Senate bill retained the list of 26 excluded countries, but added the following categories of countries which also are ineligible for preferential treatment:

(1) communist countries, except those which receive MFN treatment, are contracting parties to the GATT and members of the IMF, and are not "dominated or controlled by international communism". This exception is intended to apply only to Yugoslavia and Romania;

(2) members of OPEC or other arrangements the effect of which is to withhold supplies of vital resources from international trade or to raise prices unreasonably causing disruption of the world economy;

(3) countries affording reverse preferences to other developed countries, which have a significant adverse effect on United States commerce, unless the President receives assurances satisfactory to him that such reverse preferences or the adverse effect will be eliminated before January 1, 1976;

(4) countries which have nationalized US-owned property without compensation, negotiation, or arbitration;

(5) countries failing to take adequate steps to prevent drugs from entering the United States from such country illegally; and

(6) countries failing to recognize or enforce arbitral awards not favored of United States Citizens or businesses preferentially owned by United States citizens.

The House recedes with the following amendment:

(1) A country which is a member of OPEC or another cartel-type arrangement will be denied preferential treatment if it takes any action to withhold supplies of vital commodity resources from international trade *or* to raise the price of such commodities to an unreasonable level. The purpose of this provision is to deny tariff preferences to OPEC members or other cartel countries which cause serious disruption of the world economy.

(2) The mandatory exclusions for nationalization, drug traffic, and failure to recognize arbitral awards are subject to a waiver by the President for reasons of national economic interest. The President must report to the Congress the reasons for not excluding such countries.

Amendment No. 408: Section 502(c) of the House bill provided several discretionary criteria which the President was required to consider in designating beneficiary developing countries, including whether a country had nationalized United States-owned property without payment of prompt, adequate, and effective compensation. The Senate bill deleted this nationalization criterion from the discretionary considerations (and added it to the mandatory exclusions), and added a discretionary criterion based on the extent to which a country has assured the United States of equitable and reasonable access to its markets and basic commodity resources. The House recedes.

Amendment No. 410: This amendment exempts from the exclusion of countries party to arrangements to withhold vital supplies of commodities or to raise the price of vital commodities to an unreasonable of countries party to arrangements to withhold vital supplies of countries which enter into agreements contemplated under section 108, and are not in violation of such agreements.

The House recedes.

Amendment No. 411: This amendment modifies the provisions of the House bill with respect to articles eligible for preferential tariff treatment. The House bill provides that value added in a beneficiary country from which the article is directly imported be not less than 35 percent and not more than 50 percent, as prescribed by the Secretary of the Treasury; this is modified to require that, in the case of a single beneficiary country, at least 35 percent of the value of the article be added in such country and in the case of an association of countries treated as one beneficiary country, at least 50 percent of the value of the article be added in countries that are members of the association. The amendment also excludes imports of textile and apparel articles subject to textile agreements, watches, import-sensitive electronic articles and import-sensitive steel articles, specified footwear articles, semimanufactured and manufactured glass products and other articles determined by the President to be import sensitive in the context of generalized preferences from eligibility for preferential tariff treatment.

The House recedes, with the amendment to add the words "import-sensitive" before semimanufactured and manufactured glass be excluded from eligibility for preferential treatment.

Amendment No. 412: The House bill terminates preferential treatment for a particular article from a particular country (1) whenever the value of United States imports of such article from such country exceed \$25 million in any calendar year, or (2) whenever imports of such article from such country exceed 50 percent of the value of total United States imports of the article for any calendar year. The House bill provided that these limitations could be waived by the President for reasons of national interest.

The Senate bill amends these limitation provisions by inserting a formula by which the \$25 million ceiling changes annually in proportion to annual changes in United States GNP compared with 1974 GNP, and by exempting from the 50 percent limit articles for which no like or directly competitive articles is being produced in the United States on the date of enactment. The Senate bill also restricts the President's authority to waive the \$25 million and 50 percent ceilings to countries with respect to which the following conditions exist: (1) there has been an historical preferential trade relationship between the United States and such country, (2) there is a treating or trade agreement in force covering economic relations between the United States and such country, and (3) such country does not discriminate against, or impose unjustifiable or unreasonable barriers to, United States commerce. The Senate amendment also adds clarifying provisions with respect to the termination of a country's beneficiary status, and the redesignation of beneficiary countries whose status has been terminated.

The House recesses and accepts the Senate amendments.

Amendment No. 428: Section 606 of the House bill states that it is the sense of Congress that effective international cooperation is required to end illicit production, smuggling, trafficking in, and abuse of dangerous drugs. In order to promote such cooperation the President is required to embargo trade and investment with any nation when the President determines that such nation has failed to take adequate steps to prevent narcotics and other controlled substances produced or processed in or transported through such nation from entering the United States unlawfully. This section also requires that such suspension shall continue until the President determines that the Government of such nation has taken adequate steps to carry out the purposes of this section. The Senate amendment substitutes for the House language the requirement that the President shall submit a report to Congress each year listing those foreign countries in which narcotic drugs and controlled substances are produced, processed, or transported for unlawful entry into the United States and states that such report shall include a description of the measures such countries are taking to prevent such production, processing, or transport. The House recesses.

Amendment No. 429: This Senate amendment adds a new section 607 to the House bill stating that no person shall be liable for damages, penalties, or other sanctions under the Federal Trade Commission Act or the Antitrust Acts (or any similar State law) on account of his negotiating, entering into, participating in, or implementing an arrangement (or modification or renewal thereof) providing for the voluntary limitation on exports of steel and steel products to the

United States, if such arrangement was undertaken before the date of enactment of this Act at the request of the Secretary of State and ceases to be effective not later than January 1, 1975. The House recedes.

Amendment No. 430: This Senate amendment amends section 484 (e) of the Tariff Act of 1930 to require the Secretaries of the Treasury and Commerce and the International Trade Commission to establish a single enumeration of articles for import and export purposes, and to seek to provide comparability of statistics on domestic production with such enumeration. All import entries and export declarations are to be in terms of such enumeration.

The House recedes with an amendment which would require the Secretary of Commerce and the International Trade Commission to conduct a joint study of existing commodity classification systems with a view to identifying appropriate principles and concepts to guide the organization and development of an enumeration of articles which would permit comparability of United States import, production, and export data. A report with respect to such study is to be submitted to Congress and to the President no later than August 1, 1975. Further, the International Trade Commission is to conduct an investigation under section 332 (g) of the Tariff Act of 1930 to provide the basis for a report on the appropriate concepts and principles which should underlie the formulation of an international commodity code adaptable for modernized tariff nomenclature purposes and for recording, handling, and reporting of transactions in national and international trade; such report is to be submitted no later than June 1, 1975. Also, the International Trade Commission is to begin full and immediate participation in the United States contribution to technical work on the Harmonized Systems Committee under the Customs Cooperation Council.

Amendment No. 431: This Senate amendment adds a new section 609 to the House bill which requires the Secretary of Commerce to submit to the Ways and Means and Finance Committees, on monthly and cumulative basis, statistics on U.S. imports for consumption and U.S. exports by country and product. The amendment sets forth detailed statistical categories and requires that the value of goods and agricultural commodities exported under agricultural and foreign assistance laws, and the total amount of U.S. subsidies paid with respect to agricultural commodities, be separately reported. The Secretaries of Agriculture and State are required to furnish the Secretary of Commerce certain information related to the reporting required under this section. The House recedes with an amendment that requires quarterly and cumulative basis submission of statistics, rather than monthly and cumulative.

Amendment No. 432: This Senate amendment amends section 321 of the Tariff Act of 1930 to increase the duty-free tourist exemption for mail gift items to the United States from American Samoa, Guam, or the Virgin Islands from \$10 to \$20 retail value. The House recedes.

Amendment No. 433: This Senate amendment adds a new section 611 to the bill which provides that in the case of any protest under section 514 of the Tariff Act of 1930 involving the imposition of an import surcharge in the form of a supplementary duty pursuant to

Presidential action on August 17, 1971, the time for review and allowing or denying the protest shall not expire until 5 years after the date the protest was filed in accordance with such section 514. The House recedes.

Amendment No. 434: This Senate amendment added a new section 612 to the bill stating that it is the sense of Congress that the United States should enter into a trade agreement with Canada guaranteeing continued stability to the economies of the United States and Canada and that in order to promote such stability the President is authorized to initiate negotiations for a trade agreement with Canada to establish a free trade area covering the United States and Canada. Any agreement entered into must be reciprocal. It is required that nothing in this section shall be construed as prior approval of any legislation which may be necessary to implement such an agreement. The House recedes.

Amendment No. 435: This amendment added a new section 613 to the bill to provide that after the date of enactment of the bill, no Federal agency may approve any loans, guarantees, insurance, or any combination thereof in connection with exports to the Soviet Union in an aggregate amount which exceeds \$300,000,000 without prior Congressional approval.

The House recedes, with an amendment exempting the Commodity Credit Corporation from the provisions of this section, and specifying that the Congressional approval of any loan, guaranty, insurance, or any combination thereof in excess of \$300,000,000 must be approved as provided by law.

Approval, under the provisions of the Export-Import Bank Amendments of 1974, of any increase in the \$300,000,000 limit contained in such Act on loans, guarantees, insurance, or any combination thereof shall be deemed approval of loans, guarantees, insurance, or any combination thereof in excess of \$300,000,000 "as provided by law" under this Act.

AL ULLMAN,
JAMES A. BURKE,
MARTHA GRIFFITHS,
DAN ROSTENKOWSKI,
H. T. SCHNEEBELI,
BARBER B. CONABLE, Jr.,
J. L. PETTIS,

Managers on the Part of the House.

RUSSELL B. LONG,
HERMAN TALMADGE,
ABE RIBICOFF,
W. F. MONDALE,
WALLACE F. BENNETT,
PAUL FANNIN,
CLIFFORD P. HANSEN,

Managers on the Part of the Senate.